THE STATUTE LEGISLATION OF EDWARD I AND ITS EFFECT UPON THE ENGLISH CISTERCIANS TO 1399

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LIST OF ABBREVIATIONS

AM	*Annales Monastici*
BIHR	Bulletin of Institute of Historical Research
BJRL	Bulletin of John Rylands Library
CAD	Calendar of Ancient Deeds
CBF	Coucher Book of Furness
CBK	Coucher Book of Kirkstall
CBW	Coucher Book of Whalley
CCR	Calendar of Close Rolls
C.Ch.R.	Calendar of Charter Rolls
C.Chan.W.	Calendar of Chancery Warrants
CFR	Calendar of Fine Rolls
CHJ	Cambridge History Journal
CPR	Calendar of Patent Rolls
CSHR	Chronicles of Stephen, Henry and Richard
C & S	Councils and Synods
EHR	English Historical Review
EYC	Early Yorkshire Charters
IAQD	*Inquisitions Ad Quod Damnum*
LBVR	*Ledger Book of Vale Royal*
MPL	Migne, Patrologia Latina
PUE	*Papsturkunden in England*
TRHS	Transactions of Royal Historical Society

PREFACE

The thirteenth century witnessed both the noonday and the twilight of Cistercian influence in the religious and social life of medieval England. For half a century and more the White Monks acted as the chief disseminators of Gregorian reform ideals in the kingdom. The successes which attended their endeavours are, in great measure,attributable to the unique exemption privileges bestowed upon their Order by the Roman pontiffs. These placed the Monks in a position of rare independence in respect to the spiritual and temporal authorities. Nevertheless, by the time of the Fourth Lateran Council certain trends within and without the Order emerged to undermine the ascendancy of the Monks and to endanger their special prerogatives.

The growth of royal government was the most formidable external threat to the Cistercian position and, as the civil power expanded so its activities increased. The taxation problem provoked the earliest encounters between Crown and Order. Later, in the last quarter of the century, when the king convened assemblies in order to obtain national consent to taxation the presence of the White Monks was frequently demanded. At several of these parliaments moreover, the Crown took the opportunity to enact "new laws" or statutes whose purpose was to regulate the internal administration and the external relations of the religious establishments of the kingdom, exemptions of whatever origin notwithstanding.

The purpose of this work is to examine the character and effect of Edward I's legislation on the White Monks during the thirteenth and fourteenth centuries. To provide a background adequate to that aim it has been deemed necessary first, to survey the course of the taxation issue insofar as it affected the status of the Order and second, to consider the legal basis for and composition of the Cistercian contingent to parliament.

The sources of this study are twofold. Royal records disclose official intent, the development of processes and the statistics which arise out of practice and procedure. Monastic chronicles, cartularies and other documents reveal, on the other hand, the reaction to and the impact of royal law and conduct upon the material and spiritual interests of the religious.

The subject requires little justification since legal and ecclesiastical historians have heretofor considered it in a very perfunctory fashion. Consequently much of what they have written is either grossly misleading or inaccurate. This work does not pretend to redress completely the negligence of the past. It does hope that it will bring into sharper focus some of the issues, trends and reactions which contributed to the decline of Cistercian influence in the church and in society.

THE STATUTE LEGISLATION OF EDWARD I AND ITS EFFECT UPON THE ENGLISH CISTERCIANS TO 1399

CHAPTER I

THE TAXATION ISSUE UNDER JOHN AND HENRY III

By the last decade of the twelfth century the confluence of two developments, the forced constriction of Angevin jurisdiction in Francia and the emergence of the English Cistercians as a major force in the economic life of the kingdom, engendered a major change in the postures of the Crown and the Monks towards one another. At the close of king Richard's reign that adjustment had already begun; continental leadership of the monastic party slipped slowly away and was replaced by a domestic menage while the Crown, insolvent from increased administrative expenditure, foreign wars, a crusade, a ransom and careless administration, cast an appraisingly covetous eye upon Cistercian wealth.

On several occasions during the early part of the thirteenth century the White Monks successfully withstood royal assaults on their exemption privilege. Nevertheless, before Henry III's reign had run its course the government discovered a way by which a measure of taxation could be extended over the possessions of the Order. Monies were demanded in return for royal guarantees to honour their exemption status. The practice was vindicated on the ground that the Monks were renting, leasing and demising extensive pieces of their property to persons outside the Order. Hence the exemption could not be used to cover revenues from such sources inasmuch as they were not the product of their own labour. Once the exemption had been breached the Order was soon subjected to regular taxation.[1]

The terminus a quo of the taxation issue was the incarceration of Richard Coeur de Lion by Henry VI, the Holy Roman Emperor. When news of the detention reached England, abbot William of Robertsbridge (c.1176-1197) and Robert, abbot of Boxley (1188-1204) were delegated by the Queen mother and the Justiciars to seek out and discover the place of his confinement. After tiresome wanderings through the Rhineland, Swabia and Bavaria they met up with Richard in the squalid little market town of Oxefer, the last stop in his journey between the ducal dungeons of Austria and the imperial city of Spires. They were present for his formal arraignment before the magnates of the empire in the diet and, in the company of the Chancellor Hubert Walter, they returned to England bearing royal letters to the Justiciars in which were contained the terms of the ransom.[2]

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[1] The history of the English Cistercians has still to be written. The most comprehensive study of them to date is that contained in D. Knowles, The Monastic Order in England, (Cambridge: University Press, 1950), 208-267, 346-362, 366-370, 632-648; The Religious Orders in England, 3 vols., (Cambridge: University Press, 1950-1959), I, 64-77; II, 125-129; III, 28-38. The Welsh monks and the rôle they played in Welsh national history has been the interest of J.F. O'Sullivan, The Cistercian Settlements in Wales and Monmouthshire, (New York: Fordham University Press, 1947). Brief accounts of inconsistent quality on individual communities are to be found in the various volumes of the Victoria History of the Counties of England. There are a few regional histories of the Order, the most noteworthy being J.S. Fletcher, The Cistercians in Yorkshire, (London: S.P.C.K., 1919) and, F.A. Mullin, A History of the Work of the Cistercians in Yorkshire, (Washington: Catholic University Press, 1932).

The sum demanded is considerable even by modern standards; for the people of twelfth century England it was to prove a crushing burden.[3] Yet the royal council set to with a will. A scutage of 20/- was posted against each knight's fee, a general levy of twenty-five percent of all revenues and goods was imposed on the entire population and all church valuables were requisitioned.[4] Lacking both the plate and the precious stuffs possessed by the commonalty of the clergy or the ready cash commanded by the burgers and higher nobility, the Cistercians and Gilbertines were required to yield an aid from their only available property, the wool clip for that year.[5] In a letter of thanks to the churchmen Richard promised that their generosity in his great need would be remembered and that it would in no way act to their future prejudice.[6]

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[2] Chronica de Rogeri de Houeden, 4 vols., ed. W. Stubbs, Rolls Series, No. 51 (London, 1868-1871), III, 198-199; 205; Memoriale Walteri de Coventria, 2 vols., ed. W. Stubbs, Rolls Series, No. 58 (London, 1872-1873), II, 25; Radulphi de Coggeshall Chronicon Anglicanum, ed. J. Stevenson, Rolls Series, No. 66 (London, 1875), 58-59; Chronicles, Stephen, Henry II and Richard I, 4 vols., ed. R. Howlett, Rolls Series, No. 82 (London, 1885-1890), I, 386-388; Chronicles and Memorials of Richard I, 2 vols., ed. W. Stubbs, Rolls Series, No. 38 (London, 1864-1865), II, 361-363. Oxefer is to be identified with the modern town of Ochsenfurt-on-Main some twenty-five miles below Spires.

[3] The ransom amounted to £100,000. Although the nation strained desperately to meet this demand, the joyeous and extravagant welcome given to the king on his return by the Londoners prompted his German escort to assert that a greater sum should have been demanded. CSHR, I, 46.

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[4] *Radulphi de Diceto Opera Historica*, 2 vols., ed. W. Stubbs, *Rolls Series*, No. 68 (London, 1876), II, 110; *Gervase of Canterbury*, 2 vols., ed. W. Stubbs, *Rolls Series*, No. 73 (London, 1879-1880), I, 519-520; *Houeden*, III, 290. For the Cistercian reports see *Coggeshall*, 60; *Annales Monastici*, 5 vols., ed. H.R. Luard, *Rolls Series*, No. 36 (London, 1864-1869), II, 248.

[5] *AM*, II, 248; *Chronica Monasterii de Melsa*, 3 vols., ed. E.A. Bond, *Rolls Series*, No. 43 (London, 1866-1868), I, 273; *Matthaei Parisiensis Historica Anglorum, 1067-1253*, 3 vols., ed. F. Madden, *Rolls Series*, No. 44 (London, 1866-1869), II, 44; *Chronica Majora*, 7 vols., ed. H.R. Luard, *Rolls Series*, No. 57 (London, 1872-1884), II, 399 avers that the Order had been free from all exactions until this tax; *Literae Cantuarienses*, 3 vols., ed. J.B. Sheppard, *Rolls Series*, No. 85 (London, 1887-1889),210;*Memoriale Walteri de Coventria*, 2 vols., ed. W. Stubbs, *Rolls Series*, No. 58 (London, 1872-1873) II, 32; Ranulf Higden, *Polychronicon*, 8 vols., ed. J.R. Lumby, *Rolls Series*, No. 41 (London, 1865-1886), VIII, 127-130; Roger of Wendover, *Flores Historiarum*, 3 vols. ed. H.G. Hewlett, *Rolls Series*, No. 84 (London, 1886-1889), I, 225.

[6] *Papsturkunden in England*, 3 pts., ed. W. Holtzmann, in *Abhandlungen der Gesellschaft der Wissenschaften zu Gottingen*, Philogische-historische Klasse, (Berlin, 1930-1952), II, No. 275; According to the account in *Bartholomaei de Cotton Historia Anglicana*, ed. H.R. Luard,

Enough of the ransom was collected by the end of 1193 to satisfy the fiscal preconditions for the king's release.[7] Thus on the 4th of February 1194 he was set free, on the 12th of March following he stepped ashore at Sandwich and on Wednesday of Passion week (30 March) he opened the second great council of his reign at Nottingham. Finance was again his main preoccupation; there was the balance of the ransom to be raised and an expedition against the usurping Philip of France to be arranged. A new batch of devices were conjured up, among them a fresh demand on the White Monks for the wool of another year.[8] The Monks could not again bear the strain of such a loss of revenues in so short a time. They protested and were eventually able to commute the demand into a money

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Rolls Series, No. 16 (London, 1859), 89, the emperor offered 3000 marks to the General Chapter from the ransom but it was firmly and politely refused. The special protection given to all crusaders had been violated by the duke and emperor and the monks would have no part of the affair. cf. Paris, *Hist. Ang.* II, 58; *Chronicles of the Reigns of Edward I and Edward II*, 2 vols., ed. W. Stubbs, *Rolls Series*, No. 76 (London, 1882-1883), I, 3.

[7] In a letter to his mother, Queen Eleanor, the king asserts that 100,000 marks had to be paid down before he would be released. *Chronicles of Richard I*, II, 362.

[8] *CSHR*, II, 416-417. For the traditional interpretation of the significance of this assembly note the remarks of W. Stubbs, *The Constitutional History of England*, 3 vols., (Oxford: Clarendon Press, 1880), I, 565-566. Modern research adds little to this exposition.

payment.[9] Even that ray of mercy, however, did not prevent dispersal and extreme hardship for some communities.[10]

The significance of Richard's second demand is clear. His administration had been profoundly impressed by the size of the Cistercian contribution to the ransom of 1193.[11] It was now realized at court that the White Monks had long since left behind the heroic poverty of the early years and had joined their Black Monk neighbours in the ranks of the prosperous and affluent.[12] This was comforting news indeed to those

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9. Hoveden, III, 242; CSHR, II, 416.

10. As its share Meaux was compelled to raise 300 marks, a burden so onerous that the community was dispersed for a time. Meaux, I, 233. At the beginning of his reign the king issued a charter of remission which partially exonerated nine Cistercian foundations from a 6400 mark debt they were bound by the Jewish money lender of Lincoln, Aaron. Monasticon Anglicanum, ed. W. Dugdale, 6 vols. in 8 pts., (new edition, J. Caley, H. Ellis and B. Bandinel), London, 1817-1830, V, 505; Memorials of the Abbey of St. Mary of Fountains, ed. J. Walbran, 3 vols., Publications of the Surtees Society, (London, 1863-1918), II, 18. At least twenty-six charters of inspeximus, protection and minor privileges have been preserved from the chancery of Richard I favouring the White Monks.

11. The value of the confiscated wool has been estimated at a sum which constituted about thirty-eight percent of the total amount collected. cf. R.J. Whitwell, "English monasteries and the wool trade in the thirteenth century," Vierteljahrschrift für Social und Wirtschaftsgeschichte, II (1903), 6 n.1

12. Note particularly the scathing remarks which purportedly passed between the famed preacher, Fulk of Neuilly and king Richard. Several variations of this conversation are reported. Giraldi Cambrensis Opera, 8 vols.,

whose business it was to collect for and contribute to the increasing number of papal and royal projects.[13]

Richard bequeathed his brother John an empty treasury, and he, before the first year of his reign ended, engaged to pay his cousin Philip of France 20,000 marks for the peace of Le Goulet.[14] To fulfill his commitment a money aid was demanded at the rate of 3/- on the hide from the entire kingdom. The White Monks were faced with a dilemma. Resistance to the extension of the tax to their estates would entail the loss of royal favour and perhaps even persecution. To allow its imposition, on the other hand, would render their exemptions meaningless and provide the precedent for future

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ed. J.S. Brewer, J.F. Dimock and G.F. Warner, *Rolls Series*, No. 21 (London, 1861-1891), VI, 44; *Hoveden*, IV, 76; *Higden*, VIII, 158.

[13] Still the most valuable and comprehensive works on the growth of taxation in England in this period are, S.K. Mitchell, *Studies in Taxation under John and Henry III*, (New Haven: Yale University Press, 1914); *Taxation in Medieval England*, ed. S. Painter, (New Haven: Yale University Press, 1951), and, W.E. Lunt, *The Valuation of Norwich*, (Oxford: Clarendon Press, 1926); *Financial Relations of the Papacy with England, to 1534*, 2 vols., (Cambridge: Medieval Academy of America, 1939-1962).

[14] Our sources disagree as to the amount of this relief. T. Rymer, *Foedera*, ed. A. Clarke *et al*. 4 vols. in 7 pts., (London, 1830-1869), I, 80 claims that it was 20,000 marks; *Hoveden*, IV, 107; *Coggeshall*, 101 and *AM*, III, 27 aver that it amounted to 30,000 marks. Insofar as the sum mentioned in *Foedera* is the official stipulation one is inclined to accept it. But modern

exactions. They chose to contest it. A deputation of abbots met with the king at York and, pleading privilege, refused either to pay the tax or a fine until such time as the General Chapter authorized them to do so.[15] Enraged by their presumption, John adopted an expedient first set upon by king Richard in 1198. He withdrew his protection leaving them to the mercy of their enemies.[16] In these straits the Monks appealed to the Chancellor Hubert Walter, a proven friend, to intercede.[17] His initial attempt to compose the issue ended

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authors have followed one or the other. K. Norgate, England under the Angevin Kings, 2 vols., (London: MacMillan & Co., 1887), II, 396 and Stubbs, Op. Cit., I, 580 follow Hoveden while S.K. Mitchell, Studies in Taxation, p. 32 and A.L. Poole, Domesday Book to Magna Carta, (Oxford: Clarendon Press, 1951), p. 379 follow Foedera.

15. The monk of Coggeshall provides us with the only detailed information about this contest. Coggeshall, pp. 102-110. John had written to the Cistercians about financial aid in July and December of 1202. Foedera, I, 41b,42b.

16. Immediately after this meeting the abbots came very close to physical assault at the hands of the king's outriders. Mem. Fount. p. 126; Coggeshall, p.102. The abbot of Coggeshall also claims that John conveyed his instructions about the Cistercians to the sheriff "verbally, with no written record." Ibid., p. 102

17. Giraldus, I, 293-300 asserts that abbot William of Biddlesden obtained the abbacy of his house through the influence of Hubert Walter and Queen Eleanor. He claims also that the Archbishop put Alexander of Forde, who had been his secretary, up for the same office at Meaux and later even nominated him for the see of St. David's. Ibid., IV, 154-155. The primate's favoritism is borne out by Meaux, I, 289. In the dispute between the archbishop and the Canterbury monks over the erection of a

unsuccessfully and a second venture, just prior to the king's departure for Normandy on 20th of June, was equally fruitless.[18] That September the crisis faced by the English affiliates was aired at the General Chapter. It was decided that another appeal would be made to the Archbishop stressing the absolute imperativeness of preserving Cistercian exemptions.[19]

Still seething from the rebuffs of the spring, John returned to England in October and issued orders for impounding all Cistercian stock found in royal forests after Michaelmas.[20] In the interim, a meeting between the Scottish and English monarchs had been arranged for the 21st of November in Lincoln. Here Archbishop Hubert saw his opportunity and

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college of Canons at Maidstone, the White Monks sided with Hubert and even wrote to Rome on his account. Gervase, I, 569; II, 408; A few years after arbitrating between the king and the monks he initiated a project to convert a house of secular clergy at Wolverhampton into a Cistercian foundation but this had not been achieved by the time he died and so was subsequently shelved. T. Tanner, Notitia Monastica, (London, 1744), p. 490; Monasticon, VI, pp. 1443,1446.

18. For the second attempt the monks authorized the archbishop to sweeten the king's disposition with the promise of 2,000 marks if a confirmation charter were granted to the Order. John refused claiming that the sum was insufficient. Coggeshall, 103.
19. Coggeshall, pp. 105-106.
20. Coventry, II, 173; Coggeshall, p. 103; Hoveden, IV, 144-145. The king could be especially severe in the matter of his forest rights. In 1206, for example, the abbot of Furness compounded for an enormous fine of 500 marks for a breach of the forest law, a fine which

summoned the abbots to meet with him on the eve of the royal conference. A repentant John and the suave mediation of Hubert was sufficient to put an end to the altercation; the ban on the forests was recalled, an apology for the injuries caused was made and a promise to found a new Cistercian abbey restored the confidence of the abbots in royal justice.[21] From this meeting at Lincoln until the summer of 1208 matters progressed amicably between the Monks and the king. Individual houses received the usual royal charters,[22] the abbey of Beaulieu was founded in 1204,[23] and through all the annual tax levies from 1202 to 1207 the exemptions of the Order were honoured.[24] Peace was only shattered when the business of

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the king personally imposed. Rotuli de Oblatis et Finibus in Turri Londinensi asservati, temp. Regis Johannis, ed. T.D. Hardy, Record Commission, (London, 1835), p. 365; Lancashire Pipe Rolls, p. 204

21. AM, I, 25; Hoveden, IV, 144-145; CPL(1198-1304), pp. 10, 31.
22. Thirty one charters were issued to White Monk communities from the time of John's accession to the proclamation of the interdict. From 1208 to 1214 only Pipewell received a charter while from 1214 until his death only two others were issued. Rotuli Chartarum in Turri Londinensi asservati, 1199-1216, ed. T.D. Hardy, Record Commission, (London, 1837), passim; R.O.F., p.55
23. AM, I, 26, II, 254, 256; MPL, CCXIV, col. 973; CSHR, II, 507.
24. In 1202 when Philip II broke the peace of Le Goulet John wrote to the Yorkshire abbots of the Order requesting a loan. Rotuli Litterarum Patentia, 2 vols., ed. T.D. Hardy, Record Commission, (London, 1835), I, 10, 14. Our records do not say what the reaction of the

establishing a successor to the deceased Hubert at Canterbury culminated in a papal interdict on the land.

A week after the last attempt to reconcile royal and pontifical differences at Winchester and a week before the formal publication of the interdict, John commanded his officials to seize the property of all those who served its sentences.[25] It has been shown, fairly conclusively, I believe, that despite the strict limitations contained in this order all church properties were seized and were only released upon payment of a fine.[26] The Cistercians, for instance, obtained their freedom just ten days after the interdict was announced.[27] That they purchased it is clear from the celebrated resistance of Abbot Alexander (1197-1210) of Meaux.[28]

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monks was, Foedera, I, 41b, but on 11 December of the same year he appealed to the whole Order. Ibid., I, 42b. No reply is recorded but I think it safe to say that the monks again made good their position. Still, the abbot of Furness, who refused to pay the thirteenthe of 1207, had his goods seized and sold, Rotuli Litterarum Clausarum in Turri Londinensi asservati, 2 vols., ed. T.D. Hardy, Record Commission, (London, 1833-1834), I, 85b, even though the Order was specifically exempted. Ibid., I, 81b; AM, II, 258

[25] Rot. Pat., 80b; AM, I, 58; II, 260; III, 30; IV, 52, 396.

[26] C.R. Cheney, "King John's Reaction to the Interdict in England," TRHS, 4th series, XXXI (1949), pp. 130-150; "King John and the Papal Interdict," BJRL, XXXI, (1948), pp. 295-317.

[27] Rot. Claus. 108b. John was at Waverley when he issued this release.

[28] Meaux, I, 326-329; Cheney, "King John's Reaction," 134-

He contested stubbornly any suggestion that his Order offer an aid or make a dona but his colleagues, sad to say, were not made of such stern stuff. Fearful lest reprisals be taken against them, they pressed Meaux to yield. Without support, the estates of the house already in the hands of the king, the community dispersed, he eventually resigned his office and had the seal of his house delivered to the father abbot at Fountains. His cellerar and successor, Hugh, (1210-1220), bought the king's peace by surrendering 1,000 marks.[29] Many houses were unable to meet the royal impost and resorted to the General Chapter for assistance.

When that body met in September the requests of the English houses were honoured[30] but at the same time all of them save three were reprimanded and punished for having obeyed the interdict.[31] Apparently, during the period of confiscation services were suspended everywhere except at Margam, Meaux and Beaulieu.[32] It appears also, although the

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136 for other examples.

[29] Meaux, I, 329, 353-354.

[30] Statuta Capitulorum Generalium ordinis Cisterciensis ab anno 1116 ad annum 1786, ed. J.M. Canivez, 8 vols., (Louvain: Bureau de Revue, 1933-1941), I, (1208:48). "Abbatibus de Rivals, de Gordona et de Varvelia committitur ut 25 marchas et 8 sol. et 4 stellings Angliae colligant, et infra Pascha Claremvallem reportentur Cistercio undi sumpti sunt usque ad sequens Capitulum generale persolvendi."

[31] Ibid., I, (1208:28).

the records are silent on the subject, that the fine had to be accompanied by a promise to perform the divine offices upon release. For the Cistercians this was made easier to accept when a letter from the pater universalis ordinis, Arnold Amaury (1202-1212), arrived reminding them of their exemptions and demanding that they disregard the ban.[33] Amaury was rebuked by the pontiff shortly afterwards for giving such advice[34] and in February 1210 Innocent wrote to the English abbots ordering them to set aside their privileges and to obey his injunctions.[35] From that time forward the White Monks observed the sentence. In March when the ban was partially

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[32] Beaulieu would defy the ban because it was the king's own creation and because its abbot was a close friend and confidant. Meaux under abbot Alexander would refuse by virtue of his championship of the privileges of the order whether it was the king or the pontiff who was impinging upon them. One is hard put to explain Margam's stand unless its abbot also favoured the king or championed the order's rights. The former seems a plausible view because of John's stay there and patronage. It is interesting to note that two abbots remained with the king at court during the interdict, Hugh of Beaulieu and Henry, abbot of Bindon, the king's almoner. Cheney, "King John and the Interdict," pp. 310-311; Paris, Hist. Ang. II, 117-118.

[33] Paris, Chron. Maj. II, 524; Histoire Litteraire de la France, ed. Religieux benedictins de la congregation de S. Maur, 17 vols., (Paris, 1865-1875), XVII, 311; Matthew of Westminster, Flores Historiarum, 3 vols., ed. H.R. Luard, Rolls Series, No. 95 (London, 1890), II, 136.

[34] Innocent III, "Epistolae," Cursus Completus Patrologiae Latnae, 221 vols., ed. J-P. Migne, (Paris: Garnier Fratres, 1842-1890), CCXV, cols. 1547-1548; CPL(1198-1304),

relaxed the Cistercians, in punishment, were not permitted to enjoy the concession.[36]

With the excommunication of the king in the latter part of 1209 the situation of the clerical order definitely deteriorated. Before Eastertide 1210 a levy was imposed on the clergy as well as the laity for the recovery of Normandy, a project that was shortly deferred in favour of an expedition to Ireland.[37] After a brief, albeit triumphant tour through the eastern counties of that kingdom, he returned to England in September to meet with the clergy - the Cistercians included - to make a new series of demands. Once more the White monks pleaded exemption to little advantage.[38]

An extraordinary sum was extorted from the Order.[39] So

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p. 33.

35. MPL, CCXV, col. 1547. The bishops had already been ordered to inquire whether the monks had "rung their bells, shouted their chants and celebrated with open doors." CPL(1198-1304), p. 33.

36. Chronica Johannis de Oxenedes, ed. H. Ellis, Rolls Series, No. 13 (London, 1859), p. 124; Coventry, II, 199; Gervase, cviii-cx; A. Potthast, Regesta Pontificum Romanorum, 2 vols., (Gratz: Akademische Druck und Verlagsantalt, 1957), Nos. 3494, 3658-3659, 3686-3687.

37. Poole, Domesday Book to Magna Carta, pp. 314-316; S. Painter, The Reign of King John, (Baltimore, John Hopkins Press, 1949), 246-248.

38. Apart from their usual arguments the monks contended also that they were only the stewards of the alms of the faithful, for the poor, the sick, the widows and orphans and not for the king's revenues. CSHR, II, 510.

39. Matthew Paris claims that the total amount paid by the

heavily did it fall upon individual houses that almost all were bankrupted;[40] at least two were closed down,[41] one abbot abandoned his community through fear of the king[42] and the countryside was disturbed by the crowds of Cistercians and Jews begging food from hostile communities.[43] Only two of the sixty-one houses of the Order in the kingdom were spared. The monasteries of Margam and Beaulieu seemed to have passed through this trial unscathed, the former because of the lavish hospitality extended to John on his outward journey to and return from the Irish campaign,[44] the latter inasmuch as it was of royal foundation and because its abbot, Hugh, (1204-c.1217) was a devoted servant of the Crown.[45] At about

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religious amounted to £100,000, the Cistercian share being £40,000. *Chron. Maj.*, II, 531; *Hist. Ang.*, II, 123; III, 151. *Wendover*, III, 234-235 and the *Liber de Antiquis Legibus*, ed. T. Stapleton, *Camden Society*, (London, 1846), p. 201 assert that it was 33,333 marks. The Cistercian annalists differ not only with these figures but among themselves. *Waverley* claims that the contribution was 33,300 marks /£21,000/ *AM*, II, 265; Coggeshall, p. 164 says that it was £22,000 while the chronicler at Margam sets it at 27,000 marks /£18,000/ *AM*, I, 30. The Scottish Cistercian house at Melrose avers that it was 40,000 marks. *Chronica de Mailrose*, ed. J. Stevenson, (Edinburgh, Bannatyne Club, 1835), p. 86.

[40] *AM*, III, 451; *vide* also *Meaux*, I, 346.

[41] *Meaux*, I, 326-329; *AM*, II, 265.

[42] *AM*, II, 265. This was abbot John of Waverley.

[43] *Oxenedes*, p. 126

[44] *AM*, I, 30 where such is admitted.

[45] *Rot. Pat.*, 69a, 109-110, 117, 123b; *Rot. Claus.*, 26, 47b, 66, 166, 148b. Dom Knowles has briefly sketched

the same time a mandate was issued by the chancery forbidding the abbots to attend the General Chapter that fall.[46] Two years later, in 1212, when the Monks snubbed John's excommunicate brother-in-law, Count Raymond of Toulouse, then in the kingdom seeking assistance against the crusaders waging war in his territory, the king was afforded a fresh opportunity for imposing a hugh fine in compensation for the insult.[47] His unscrupulousness knew no bounds, as the incident of the letters of remission clearly show.

Since his excommunication John's position at home and abroad had grown steadily worse. By November of 1212 he was obliged to negotiate with Innocent on papal terms or lose his throne. To limit the financial conditions which the peace would surely impose, his chancery officials were ordered to send out letters of remission to all religious houses in the

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the career of this abbot. MO, pp.658-559; Gervase, II, 105.

[46] AM, II, 265; Paris, Hist. Ang., II, 123, 467.

[47] Coggeshall, p. 164; AM, II, 39. The abbot of Coggeshall avers that each house was forced to supply a number of horses and waggons for the king's use. The Cistercians had a special interest in the Albigensian affair and Count Raymond. The abbot of Cîteaux, Arnold Amaury, had been appointed papal legate to that country. AM, II, 266, and had assisted in the publication of Raymond's excommunication. Potthast, Nos. 4227, 4229. As early as 1203 two monks of the Cistercian house at Fontefroide, Peter of Castelnau and Raoul were sent into the area.

kingdom.[48] These stipulated that although the king was prepared to refund all the monies that he had received, the communities freely and without pressure absolved him from all debt. They were issued, they claim, "lest anyone call them exactions or extortions." Word of this ploy eventually reached Rome and orders were subsequently given to papal agents in the kingdom to ignore all instruments of that variety, and to see to it that all monies covered by the king's letters were refunded.[49] But John was not to be baulked by such measures and retaliated by coercing the religious into affixing their seals to new and more embracing letters.[50]

In the end the king's will prevailed over the religious as well as the papacy in respect to the financial stipulations of the peace. Of the 100,000 marks indemnity he promised only a small portion was actually paid.[51] A total of 27,000 marks were given to the bishops by the end of 1213 but only one other installment of 6,000 marks appears to have been

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48. Rot. Chart., 191-192; Paris, Chron. Maj., II, 237; AM, II, 268.
49. Archbishop Stephen Langton informed Innocent about these letters. MPL, CCXVI, cols. 775, 780. The pope ordered the Templars and Hospitallers to take the money from the king if the religious refused to accept John's offer. Ibid., CCXVI, cols. 927-928.
50. Rot. Claus. 192. Note John's letter to abbot of Fountains commanding him to come to court and be sure to bring the seal of his house. Mem. Fount., p. 164.
51. Painter, King John, pp. 194-197; Poole, Domesday Book

paid thereafter.[52] No compensation was made to the lesser clergy or religious who had suffered as much, if not more, than the bishops. When a protest was entered with legate Gualo against such treatment he told the appellants that he had no instructions regarding them but airily assured them that they could appeal to the pontiff.[53] This indeed was cold comfort for the many communities verging on dispersal and who had now to contend with a new royal imposition. Although it seems not to have affected the White Monks, the tallage which appears in the Rolls of 1214 was ostensibly collected ad relaxacionem interdicti.[54]

The reconciliation with the Church freed the king's hands to set in motion his grand design against Philip II, and in February 1214 he embarked on its first phase, the invasion of Poitou. A moderately successful campaign there was shortly followed by the decisive defeat of his allies at Bouvines in July. All hope for the recovery of Normandy and Anjou being quashed thereby, a disheartened king returned to England to meet his penultimate humiliation, a complete

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to Magna Carta, p. 457. For the legation of Nicholas of Tusculum vide, H. Tillman, Die Papstlichen Legaten in England, (Bohn: 1934), pp. 98-107.

[52] Rot. Claus., I, 175.

[53] Wendover, II, 103-104.

[54] Rot. Pat., 111b; Rot. Claus., I, 208, 209; Mitchell, Studies, pp. 116-118.

rupture with and eventual capitulation to the tax weary clergy and a discontented baronage.

To the king Magna Carta was little more than a temporary reverse for even as he assented to its clauses he knew that help was on its way from Rome and that preparations for a final reckoning with the rebels were well advanced. Three weeks before the Runnymede meeting he had appealed to his overlord Pope Innocent for assistance.[55] In the weeks of early summer royal agents were assiduously recruiting mercenaries in Flanders, Brabant, Gascony and Poitou.[56] From such monastic depositories as the Cistercian Stanley, Bindon and Forde royal jewels and precious plate were withdrawn.[57] By late September the leader of the clerical opposition, Archbishop Langton, had been suspended from office;[58] a papal bull had arrived trumpeting the charter's annulment[59] and hordes of routiers had begun to appear on the royal mustering grounds at Dover.[60]

To the barons, convinced now that John had no intention of abiding by his Charter obligations, desperate measures seemed justified. A deputation was despatched to Paris to offer the crown to Prince Louis. Within two months the advance parties of a French army were quartered in London and in May 1216 the Prince landed with the main body of the invading force.[61] In the interim open war had broken out between the king and his barons; local government in the shires collapsed and anarchy swept across the land. Atrocities were commonplace in both camps as the "people were ground like wheat between whirling millstones."[62] Among those to suffer were the Essex Cistercian establishments at Tiltey and Coggeshall whose cloisters were pillaged by royalist elements under the command of Savaric Mauléon during the Christmas season of 1215-1216.[63] In the north, Holm Cultram in Cumberland suffered from the harsh hands of the Scots then ravishing the border counties in revenge for John's depredations around Berwick.[64] The hunt for rebel sympathizers became so intense that agents of the Crown entered the monastery of of St. Lawrence of Revesby in Lincolnshire, seized a conversus and carried him off on a charge of having taken up arms against the king. He was released when it was discovered that he had left the world long before the war had begun.[65] Even after John's death, in Bedfordshire, a troop of men led by Fawkes Breauté entered Wardon abbey killed one monk, wounded another and drove the remainder of the community off to durance vile at Bedford castle.[66] Incidents such as these raise a host of difficult questions, the most important for us here being the attitude of the Order in the struggle between the crown and barony.

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[55] John took the cross on Ash Wednesday (4 March) and was therefore able to appeal to Innocent as a crusader. AM, I, 61; II, 82; IV, 58, 403-404; Coventry, II, 219.

[56] Foedera, I, 128; Rot. Pat. I, 128, 130; Coventry, II, 219; AM, II, 283, III, 43; Rot. Claus. I, 185, 187.

[57] Rot. Pat. I, 146, 147b.

[58] Wendover, II, 154-155, 159-162; Coggeshall, p. 174;

[59] Foedera, I, 135

[60] Wendover, II, 136; Melrose, 119.

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[61] Coggeshall, pp. 176,178,181; Wendover, III, 359-360, 368; Coventry, II, 228.

[62] Paris, Hist. Ang. II, 184; Chron. Maj. II, 640-655; AM, III, 46.

[63] Coggeshall, p. 177.

[64] "The Register and Records of Holm Cultram," Cumberland and Westmorland Antiquarian and Archaelogical Society, Record Series, VII (1929), p. 128; G.E. Gilbanks, Some Records of a Cistercian abbey, (London: Walter Scott,

The records bearing on the affairs of the kingdom in the decade from 1210 to 1220 imply that the Cistercians, if not active supporters, were sympathetic to the baronial party. Several reasons immediately suggest themselves in accounting for their attitude. The most obvious is the grave injustices they suffered at the king's hands. By his complete disregard for the papal and royal charters of immunity, John irreparably damaged the privileged status of the Order. The widespread indigency of its members is evidence enough of the

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1899), pp. 41-42.

[65] VCH(Lincolnshire), II, 141

[66] AM, III, 52. Both Savaric Mauléon and Fawkes de Breauté were to act as the executors of King John's will. Both were devoted to his policies and to his memory.

immediate material consequences of his activities.[67] On the other hand the long range prospect seemed even darker inasmuch as their exemptions, now breached, could only be defended with great difficulty. The significance of the levy of 1210 was not lost on the Monks as can be seen in the continual reference in their pleas to the danger of establishing a precedent.[68] Baronial proposals to curb royal extortion and misgovernment, therefore, would be especially attractive to the White Monks. For instance, the suggestion that the king's powers in the matter of fines and aids be severely limited would gain their certain support. Equally appealing was the proposal that all future aids and fines be imposed only in accordance with the assessments made by the king with clerical and lay consent and, the intention to establish the right of free and unimpeded passage to and from the country was particularly commendable to Cistercians.[69]

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67. This is clear from the several entries in the Statuta concerned with the loan from the General Chapter in 1208. cf. Statuta, I, (1210:32)(1211:38) (1212:31).
68. Coggeshall, pp. 102, 104-105; Hoveden, IV, 66; AM, II, 258-259.
69. W.S. McKechnie, Magna Carta: a commentary on the Great Charter of King John, (London: Burt Franklin, 1948), pp. 231-240, 248-255, 407-411, Clauses, 12, 14 and 42. The most recent commentary is that of J.C. Holt, Magna Carta, (Cambridge: University Press, 1965), pp. 196, 222-223, 271, 286-288. Holt's work possesses the great virtue of placing the Charter in the context of events.

Over and above the hopes and aspirations which the Monks and barons shared, the relationship of many communities to individual barons predisposed the Order to the rebel cause. At least eleven of those who witnessed the Great Charter and whose names appear in the contemporary records of the meeting at Runnymede were connected with the Order in one capacity or another.[70] In several instances the relationship was so close that it seems inconceivable that the Monks were not appraised of the plans and goals of the rebels as well as of the course events were taking.[71] Moreover, the support which the primate, Stephen Langton, lent to the more moderate elements among the barons doubtless contributed to the crystallization of the Cistercian view. Stephen had been for long an admirer of the White Monks, a defender of their exemptions and had, for the six years between his election to and installation in Canterbury, enjoyed refuge at Pontigny, the retreat of his saintly predecessor Becket.[72]

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[70] John de Lacy and his family were patrons of Stanlaw abbey in Cheshire and benefactors of several other Cistercian houses. Monasticon, V, 647-648. The family of William de Albini and that of William de Mowbray favoured Byland in Yorkshire. Ibid., V, 346. Tintern in Monmouthshire was favoured by Richard de Clare. Ibid., V, 269-270. The Stuteville and Ros families, although competitors, were for several generations the protectors, creditors and benefactors of Rievauls. Ibid., V, 202; Cartularium Abbathiae de Rievalle, ed. J.C. Atkinson, Publications of the Surtees Society, LXXXIII (1889), passim; Excerpta e Rotulis Finium in Turri Londinensi asservatis, Henry III, 1216-1272, 2 vols., ed. C. Roberts, Record Commission, (London, 1835-1836); Richard Montfichet's grandfather founded Stratford in Essex. Monasticon, V, 586. William de Fortibus and William de Mandeville as well as the Quincy clan were advocates of Garendon, Ibid., V, 328-329, while John FitzRobert was buried at Sawtry abbey. G.E. Cokayne, Complete Peerage of England, 8 vols., (London, 1887-1895), VI, 646-647.

[71] On especially intimate terms were the abbots of Stanlaw and the Lacy family; the counts of Aumâle and the community at Meaux. S. Wood, English Monasteries and their patrons in the Thirteenth Century, (Oxford: University

So also the Cistercian writers of the time betray a distinct bias in the direction of the barons. The Waverley annalist speaks of John's "errors" and "stubborness" as well as of the rapacity and uncalled for violence of his minions.[73] Ralph of Coggeshall's observations are equally jaundiced; his chief interest was his abbey, its neighbourhood and the

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Press, 1955), pp. 123-135 has shown that patrons and clients were often in contact by post.

[72] The definitive biography of this great prelate has been written by F.M. Powicke, Stephen Langton, (Oxford, Clarendon Press, 1928), pp. 11-12, 75-76, 139. In 1222 Stephen gave the church at Romney to the abbey of Pontigny, worth by the year 20 marks, in gratitude for the hospitality they extended to him. Callia Christiana in provincias ecclesiasticas distributa, 16 vols., ed. Congregation de St. Maur, (Paris, 1856-1889), XII, 445. The monk of Waverley calls him "in scientia theologica suo tempore nulli secundus." AM, II, 304; the annalist at Margam in his obit refers to him as a "vir prudens et literatus." AM, I, 36.

[73] AM, II, 282-284. The chronicler of Stanley also is reported to have been quite critical of the king. VCH (Wiltshire), III, 273, although the abbot of that house always remained on good terms with him. It would not be unreasonable to assume that there were others of this

Order. At times his strictures of the king, the royalists and royal policy are particularly severe.[74] Even the chronicle of Meaux, ordinarily unconcerned with affairs beyond the immediate interest of the community, reveals a certain hostility.[75] Somewhat less important but still worthy of consideration is the effect of location on outlook. Approximately twenty five houses of the Order lay in rebel occupied territory and another five stood nearby.[76] It is not unlikely that all were influenced to some degree by their proximity to the scene of strife. Finally, the very composition of peace between the dissidents and the royal government further exposes the partisanship of the White Monks.[77]

Innocent III acted with decision when word of the barons

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posture.

[74] Coggeshall, pp. 163-164, 170 seq.

[75] Meaux, I, 395-399.

[76] It has been proposed that most of the nation east of a line drawn between Arundel and Richmond and north of a line between the latter and Lancaster was under rebel jurisdiction. W.L. Warren, King John, (London: Eyre & Spottiswoode, 1961), 250. If Warren is even approximately close to the fact then some twenty-five Cistercian houses lay within the baronial pale. During his plundering foray through this area between September 1215 and March 1216 John's army passed close to at least five of them. No mention of visits is made by our reporters except Ralph of Coggeshall who complains of a few incidents during the last week of the year. cf. supra, p. 20.

[77] Infra, pp. 27-28. Unfortunately there appears to be no "after the event" assessment of John either as a king or a person by a Cistercian chronicler.

offer to Prince Louis reached him. Immediately, he despatched letters to the king of France and his son, forbidding them on pain of excommunication, to interfere in England.[78] When his admonitions were ignored and invasion appeared imminent Gualo, cardinal of Sts. Sylvester and Martin, was sent as legate to the island kingdom.[79] Arriving at Romney a day before the French landing, the Cardinal went on to Winchester where, on the 29th of May, he opened the first of the three councils he summoned during his legateship.[80] Throughout the summer and early fall the pace of events accelerated with bewildering speed; in July Innocent III died and was succeeded By Honorius III who straightway confirmed Gualo's commission and even increased its scope;[81] in August and September seige

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78. Coventry, II, 228.
79. The most complete sketch of Gualo's legateship is still that of Tillman, Op. Cit., pp. 107-120. See also H.G. Richardson, "Letters of the legate Gualo," EHR, XLVIII (1933), pp. 250-259. The best broad treatment of the post Johannine period is F.M. Powicke, King Henry III and the Lord Edward, 2 vols., (Oxford, Clarendon Press, 1947), I, 45-47; The Thirteenth Century, (Oxford, Clarendon Press, 1953), pp. 1-16.
80. Wendover, II, 181-182; AM, II, 82. The others were held at Bristol in November 1216, AM, II, 286, and, Winchester again between July and September 1218. CPR (1216-1225), pp. 163, 169. Tillman claims that there was to be a third at Canterbury. Op. Cit., p. 114.
81. Potthast, Nos. 5319c, 5417, 5574a; Royal and other Historical Letters Illustrative of the Reign of Henry III, 2 vols., ed. W.W. Shirley, Rolls Series, No. 27 (London, 1862-1866), I, 527-532.

warfare, harryings, retreats and advances occupied the contending parties and in October, King John suddenly expired leaving a nine year old son, Henry, to maintain the familial hold on the throne.[82]

On his deathbed John appointed Gualo supervisor of the execution of his will and thereby catapulted him into a position of unrivalled authority. Through the astute use of the temporal and spiritual powers which lay at hand the legate, in little more than two years, secured the Crown to the young Henry and prevented the extension of Capetian rule to England. To achieve this work the Cardinal perforce had to avail himself of harsh and often intolerable policies. To those who obstructed his plans, who brought suit against his decisions or who, like the Cistercians, pleaded exemption he was absolutely unmerciful.[83]

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82. A few hours after the loss of his waggon train in the Wash the king arrived at Swineshead where he spent the night of 12-13 October. Paris, Hist. Ang. II, 190. He contracted a fever there but moved on to Sleaford and thence to Newark where he died. Although John intended to be buried at his foundation at Beaulieu in 1204, Coggeshall, p. 157, and although abbot Hugh begged for his body, Coventry, II, 232, his will stipulated that it be interred before the shrine of St. Wulfstan at Worcester. Foedera, I, 144.

83. See, for instance, the appeals of Westminster and Canterbury against him in the matter of the coronation, Melrose, p. 124; the affair of Stephen Langton, Wendover, IV, 33, and in regard to the London clergy. AM, III, 52. The moiety of the church of Coddington which

Sometime between May 1216 and June 1217 the legate demanded procurations from the Cistercian abbeys. Claiming exemption, they refused and in consequence were punished. The annalist at Melrose asserts that their monasteries were interdicted, their abbots suspended or declared excommunicate and that to obtain absolution they had to accept a penance publicly inflicted upon their bare backs before church doors.[84] When four papal peace delegates, Simon, Archbishop of Tyre (1217-1227), Conrad, abbot of Cîteaux (1217-1219), Walter,

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had formerly belonged to the Brand's canon of St. Paul's in London, but who had been excommunicated because he supported the barons, was granted by Gualo to William Grisneto, a nephew of Hugh, abbot of Beaulieu. The Rolls of Hugh of Wells, Bishop of Lincoln, 1209-1235, 3 vols., ed. W.P.W. Phillimore, Lincoln Record Society, III, VI, IX, (Lincoln, 1912-1914), Pt. I, 58. A report in the Chronicon Henrici Knighton, 2 vols., ed. J.R. Lumby, Rolls Series, No. 92 (London, 1889-1895), I, 209 to the effect that after Henry III granted "magnatibus terrae Angliae duas cartas, unam de foresta et aliam de libertatibus; ob quam causam communes regni concesserunt quindecimam partem omnium bonorum suorum mobilium et immobilum, monachique Cisterciensis ordinis pro habenda regis benevolentia et gaudere suis libertatibus dederunt regi infra spatium unius anni v. millia marcarum argenti," is indeed interesting and not reported elsewhere.

84. Melrose, p. 129 "et monachorum monasteria sub interdicto ponebat, tam abbates quam conventus suspendebat et excommunicatos denunciabat; nec non et publice ante fores ecclesiarum, eo quod warrantibus communicaverant, accepto a singulis juramento standi judicio ecclesie et mandatis domini pape et ipsius, super nudam carnem disciplinari faciebat;" Paris, Hist. Ang. II, 183

abbot of Pontigny (c.1215-1217) and Guido, abbot of Clairvaux (1217-1221), arrived in June, the White Monks made representations to them against the unjust sentences of the Cardinal.[85] The abbots on the commission were appalled by what they heard. Dislike was added to suspicion when the legate took a very unreasonable stand in the negotiations with the French. Indeed, by withholding absolution from Louis' clerical adherents, Gualo prevented a settlement inasmuch as the prince would not make peace unless they were forgiven.[86] Their mission having collapsed the delegates returned to the continent convinced that the Cardinal should be recalled. In August a papal penitentiary was sent into the island but his efforts were no more successful, perhaps because he too was a Cistercian.[87]

Yet by deposing the abbots of Whitland and Strata Florida and five priors for "excesses committed against the legate," the General Chapter admitted that the Cardinal's severity was, in some way, merited.[88] Apparently though the correctives undertaken at Cîteaux did little to soften Gualo's attitude toward the English brethern; during the chapter of 1218 the abbots of the island persuaded the fathers to depute Conrad of Cîteaux and Guido of Clairvaux along with six others to go to Rome to protest against the Cardinal's injustices.[89] Their complaints, while too tardy to influence the pontiff's decision, served to reinforce the censures launched by a veritable army of discontents then besieging St. Peter's.[90] Fortunately, Honorius had a loophole through which he could satisfy the appellants without, at the same time, repudiating either the legate or his actions.

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[85] CPR(1216-1225), pp. 68, 70; Potthast, No. 5382. They went first to the court of king Philip to encourage him to withdraw and to get Louis to follow suit. Potthast, No. 5528. At the time of the arrival of the commission in England the tide was beginning to turn against the French invaders and their English supporters. The fall of Lincoln to William the Marshal and the royalists was the turning point. There, half the French force was exterminated.

[86] AM, III, 50-51; Powicke, The Thirteenth Century, p. 13

[87] CPR(1216-1225), p. 95.

As early as January 1217 Gualo had asked to be removed from office. The Pope was loath to recall him at so critical a juncture, and instead, increased his powers and heaped praise on his efforts.[91] Over the months that followed several similar requests were made, all of them assuring Honorius that the work was exhausting him.[92] Now, on 12 September, 1218, he was delivered of his charge and Pandulf, bishop elect of Norwich, was appointed to replace him. On his arrival in the kingdom on 3 December the new legate proceeded immediately to apply the balm of kindness and generosity to all those who had been so harshly treated by his predecessor.[93]

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[88] Melrose, p. 129. There is no mention of these depositions in the Statuta, but that is not unusual. No entry of abbot Hugh of Beaulieu's removal is made there either. The Welsh houses, for the most part, supported Llywelyn the Great who threw in his lot with the barons. There is a discussion of this alignment in O'Sullivan, Cistercian Settlements, pp. 64-65.

[89] AM, II, 291; Melrose, p. 134.

[90] Coventry, II, 235-236.

[91] Royal letters, I, 527-529; Potthast, No. 5417.

From Magna Carta to the death of Henry III exemption from taxation and the pro-baronial sympathies of the Order continued to complicate relations with the Crown. The new monarch and his advisors found that it was impossible "to live of his own" and so the old sources of revenue which, ever since the last years of Henry II, had proven insufficient were more frequently tapped and an intensive search for new devices and new units of taxation was undertaken. Harking back to a shift employed by his grandfather, Henry III began the regularization of the extraordinary aid.[94]

The occasion for the first impost of this kind was the ending of the truce signed at Chinon by John and Philip in 1214 and the summertime invasion of Poitou and Gascony by Louis VIII in 1224. Richard, Count of Poitou and the English king's brother, required troops and stores if he was to preserve the familial interests there and for that purpose an aid of a fifteenth of all moveables was proposed. The tax was agreed to only after Henry undertook to reissue the Great Charter.[95] It fell on all, even the exempt. Yet some recognition was paid to the exemption privilege. The Cistercians, for instance, did not pay at the ordinary rate but pro libertatibus quam pro gratia et benevolentia regis habenda compounded for their lands and revenues in the amount of 2,000 marks,[96] half of which the abbot of Stratford, the collector for the Order, deposited with either the treasurer or the Templars in June 1226.[97]

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[92] Potthast, No. 5905 "cum...nobis frequenter supplicaverit...continuis fatigato laboribus redeundi licentiam concessit."

[93] AM, III, 53; CSHR, II, 527; Coggeshall, p. 186.

[94] Mitchell, Studies in Taxation, pp. 346-348.

King Louis won only a half a victory in his campaigns of 1224-1225; Poitou was overrun and occupied but Gascony remained in the hands of king Henry. The Capetian's death in November of 1226 heralded a period of considerable Angevin diplomatic activity culminating in the despatch of a large military force to Brittany in May 1230. The expedition was little more than a display of arms, albeit an expensive one. In fact the debt so incurred evoked a fresh appeal for an

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95. Powicke, The Thirteenth century, pp. 28-30.
96. AM, II, 300-301; Coventry, II, 257; Rot. Claus., II, 177a.
97. CPR (1225-1232), p. 40.

aid in 1232.[98] A fortieth was granted but the exempt religious, the White Monks in particular, refused to make any payment. From January of 1233 until May they were able to postpone their contribution through what we today would call restraining orders.[99] In June Henry made a personal appeal to abbot Stephen of Coggeshall. He claimed that all the religious, with the sole exception of the Cistercians, had liberally contributed to his needs. He questioned and indeed denied their claim to exemption from an aid. He requested it although he was willing to allow them to call it by any name if not a fortieth.[100] Sometime after this communication and before mid-September, the four senior abbots of the Order in the kingdom, Adam of Waverley (1219-1236), Robert of Furness (1217-c.1235), Roger of Rievaulx (c.1234-1239) and John III of Fountains (1223-1246) were advised by their colleagues to make some composition with the king. This they did although the amount they conceded appears not to have been recorded.[101]

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[98] Mitchell, Studies in Taxation, p. 199.

[99] CCR(1231-1234),pp. 293 (8 Jan.), 294 (8 Feb.), 217 (10 May).

[100] Ibid.(1231-1234), p. 311. A royal mandate was sent to the tenants of the abbots of Furness and Roche at the beginning of August ordering them to give to their lords an aid of a fortieth of their moveables "in the form in which the fortieth has been granted to the king elsewhere in England." CPR(1232-1247), p. 22.

[101] Statuta, II, (1233:39). From an entry in the Close Rolls, (1231-1234), p. 287, it seems that the Monks were

Two years later (1235) when a more legitimate impost was levied in aid of the marriage of the king's eldest sister, Isabella, all the non-feudal clergy were requested to make a dona with the exception of the Cistercians and Premonstratsians.[102]

A month after Isabella's nuptials a truce of five years was arranged with the regency government in Paris. When it expired in August 1240 it was apparently renewed although scarcely a year passed before Henry determined to exploit the troubled politics of the Midi in a new effort to recoup old losses. When, however, the subject of an aid for the campaign was broached to the barons in January 1242 they refused to give it any consideration. Try as he might the king could make no headway against the solemn oath which bound them. He was thus forced to make do with a scutage and with whatever else he might extort in the way of benevolences. In February he sent letters out to the heads of the greater Orders asking for money and horses. The non-exempt religious made dona

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unable to raise the sum agreed upon and asked for another postponement. They had until Christmas time to make their contribution.

102. CCR(1232-1247), pp.187-188. There is an interesting but mysterious entry in the Patent Rolls implying that the Monks in Yorkshire had donated some stock to the king when he requested them to do so. It is difficult to say whether this is to be connected with the aid of 1233 or even that of 1235. CPR(1232-1247), p. 150, dated 15 June.

but the White Monks and White Canons refused.[103] Early that October when the military situation was dark and additional finances and forces were needed, Henry wrote to his charge d'affaires in England, Archbishop Walter Gray of York asking him to convene the abbots of the two Orders to persuade them to give a subsidy or that year's wool crop.[104] A fortnight later he appealed directly to the abbots asking them to comply with the request the Archbishop would make in his name.[105] Once again the Monks refused unless the General Chapter gave its permission. Their offer of prayers in lieu of money so enraged the king that he debarred them from going to the Chapter.[106] A month before the fathers met in 1243 the king formally addressed a request to the Chapter that he be allowed to levy an aid on all the English, Welsh and Irish houses.[107] He fared no better with that body than he did with his own White Monks and so had recourse to punishing them

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103. CPR(1232-1247), pp. 279-280; CCR(1237-1242), p. 430. At the same time, moreover, a twenty mark aid was paid by Coggeshall, Kirkstead and Swineshead. CCR(1237-1242), p. 420. In this same year his cousin, Louis of France, assembled his prelates and asked for an aid. He was voted a twentieth and among those who contributed were the Cistercians. Paris, Chron. Maj., IV, 226. The pretext put forward for this tax was a crusade against the Albigensians.
104. CPR(1232-1247), p. 330 Dated 14 October 1242, Bordeaux.
105. Ibid.(1232-1247), p. 336.
106. Paris, Chron. Maj., IV, 234-235; Hist. Ang., III, 286.
107. CCR(1242-1247), p. 69; Paris, Chron. Maj., IV, 257.

by banning the sale and export of their wool abroad.[108]

A defeat at Taillebourg, the defection of Count Hugh of La Marche and the failure of the Toulouse rebellion extinguished all hope of an immediate recovery of the Angevin inheritance and drove Henry to sue for a truce in April 1243. After prolonged discussions the two monarchs were able to convert this armistice, in December 1258, into the Treaty of Paris (1259) which remained in force until the dying years of the century. In the meantime Henry, ever sanguine of obtaining a superior place in the firmament of great powers, had involved himself in fresh and even rash ventures. Early in 1250 he assumed the badge of a crusader and, in the same year, Pope Innocent IV acting on a royal petition and the advice of the English clergy, granted him a tenth of all ecclesiastical revenues for a period of three years to defray the cost of the expedition.[109] In April of 1252 Henry announced the date of

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108. "Eodem anno [rex] generaliter prohibuit, ne lanae venderenter transmarinis; et stetit illud edictum, donec ei satisfacerent; et hoc fecit in odium Francorum et ordinis Cysterciensis." *AM*, III, 163-164; Paris, *Chron*. *Maj*., IV, 324. For papal confirmation in this year of the liberties and exemptions from secular exactions granted by kings and others, see *CPL*(1198-1304), p. 205. The king's needs and the Cistercian refusal to assist may account for some of the heavy fines levied against their houses, e.g. Bruern, *CPR*(1232-1247), p. 472.

109. W. Lunt, *Financial Relations*, pp. 255-256. A papal

his departure as 20 June 1256. Two years before he was to set sail, however, he became emeshed in the papal schemes for replacing the Hohenstaufen dynasty in Sicily. In March 1254 he accepted Innocent IV's offer of the old Norman kingdom of Sicily for his son Edmund, in return for which he contracted to raise an army for its liberation and promised to liquidate a papal military debt of 135, 541 marks.[110] Twice in 1255 the king approached the Great Council for assistance and on each occasion it demurred until the Great Charters were confirmed. In the same year the new pontiff, Alexander IV, commuted Henry's crusading vow into a vow to assist the Church in Sicily, authorized him to apply the tenth to such uses and despatched the nuncio, Rostand, to speed up its collection. A month after his arrival in England Rostand convoked the clergy and proposed certain changes in the methods of assessment and collection. The prelates stubbornly resisted any

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mandate to the Cistercians, among other orders, within Henry's dominions "to offer prayers with processions and litinies for the king...until they reach the Holy Laiid" is recorded. CPL(1198-1304), p. 279. More material assistance was given by the abbot of Flaxley who was made one of the collectors. CPR(1247-1258),pp. 485, 505, 527. The abbot of Fountains carried out a similar duty in the province of York. Ibid.(1247-1258), pp. 480, 514-516, 520.

110. Foedera, I, 318; Royal letters, II, 115. See also the Monasticon,V, 369, for the means by which revenue was raised.

innovations and satisfied themselves with fulfilling the original grant.[111]

Because the proceeds from the tenth did not come in as quickly as expected Henry set upon a series of devices in order to discharge immediate obligations. Among these was an appeal to the White Monks. In mid-May of 1256 the abbots of the Order were assembled at Reading, Rostand, acting for Henry, invited them to subscribe £25,000 to the Anglo-papal project. His petition was refused on the grounds of old privileges and a recent immunity.[112] Nevertheless, the king ordered the collectors of the tenth in the dioceses of Worcester, Coventry and Hereford as well as those of certain Irish sees to compel those Cistercians who had appropriated

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111. Paris, Chron. Maj., V, 524-727; Mitchell, Studies in Taxation, p. 275. The abbots of Fountains, Furness and Rievaulx received letters close summoning them, in early 1255, to meet with the king on the quindene of Easter (19 April) CCR(1254-1256), p. 177. We are given no hint as to the reason for the summons but probably it was connected with the business of the tenth.

112. AM, III, 348-349. The abbot of Buildwas who was at court shortly after this refusal was taxed by Henry as to their reasons for refusal claiming that as their patron they owed it to him. The abbot agreed that he was indeed their patron and defender but asserted that "he should not harm us by extorting money, but rather emulate king Louis and merely request their prayers."The king wanted both which the abbot avered was impossible inasmuch as "if you violently extort from us our little substance, we will be unable to pray for you devotedly and with sincere hearts, because prayer without devotion is of little or no use." Paris, Chron. Maj., V,

parochial churches as rectors to pay the impost on them. At the same time he gave instructions not to exact the tenth on the rest of their goods until otherwise notified.[113] But the Monks were prepared for such a move. In the Chapter of 1255 the English abbots were warned of such an eventuality and cautioned to beware infringing the liberties of the Order while obeying the canonical injunctions.[114] In retaliation for their refusal the king exacted a toll or passage money from each abbot as he returned from Cîteaux. Because many abbots were ill prepared to meet the tax, tunics and coats had to be sold to raise the money.[115] If, by applying this sort of pressure, the king intended to cause the Monks to change course he failed miserably. When in January of the next year he renewed

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553-557. The recent immunity was a charter granted by Alexander IV, on 25 May 1255. Foedera, I, 197; Potthast, Nos. 15883-15884. A royal order dated 20 May 1256 and directed to the sheriffs of Kent and Huntingdon orders " nulli denegari, exhibeat nullam eis graciam faciens sine mandato regis speciali." CCR(1254-1256), p.418. The abbot of Fountains was deputed to be one of the collectors for the tenth in the province of York. CPR (1247-1258), pp. 480, 514, 520.

[113] CPR(1247-1258), p. 524; Paris, Chron. Maj., V, 610,737. Seven houses are recorded as having contributed to the tenth, namely, Kirkstead, Meaux and Warden were assessed 200 marks apiece. Rievaulx paid 400 marks and Fountains 500 marks. Although Byland, Furness and Netley are also mentioned as contributors the sums they paid are not entered. Ibid.(1247-1258)pp. 514-518. According to Meaux, II, 129, the king took their wool of that year.

[114] Statuta, II, (1255:41)

[115] Paris, Chron. Maj., IV, 587.

his plea in more threatening tones the Monks remained unmoved.[116]

By the spring of 1257 also Henry had come to the realization that it was impossible to abide by his committments in the Sicilian business. Thus he sent a commission to Rome in June with full authority to negotiate either a mitigation of his obligations or to extract him from them completely. While waiting for Pope Alexander's answer his attention was diverted by a Welsh rebellion under Llewelyn ap Gruffydd. An abortive campaign to the frontier of Gwynedd followed by a widespread famine brought on by an exceptionally harsh winter spurred the barons of England into vigourous action. When they were summoned to Oxford in April of 1258 to give an aid to their bankrupt monarch they replied with the famous Provisions.[117] Yet the baronial government established thereby achieved none of its objectives and the Provisions issued at Westminster in 1259 served only to weaken the baronial coalition and inspire the formation of a royalist party. From that moment until the Statute of Marlborough was enacted in November of 1267 the nation witnessed anew all the horrors of civil strife.

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[116] Paris, Chron. Maj., V, 610. The king had written to the General Chapter in early August requesting prayers for his undertaking. CCR(1254-1256), pp. 215-216.

[117] A subsidy of a fifteenth was granted by the nobles and clergy. The Cistercians gave a year's clip of the wool

The line followed by the White Monks during the disturbances of 1262-1267 stands in vivid contrast to the partisan posture adopted by the Order during the troubles of 1214-1217. Whereas the barons of the Charter enjoyed Cistercian support and sympathy the barons of the Provisions won only scattered assistance and understanding. Personal interest rather than conviction appears to have determined the stand of the individual community.[118] The unique relationship which existed between the Countess Eleanor, the wife of the leader of the baronial party, Simon de Montfort, and Cîteaux's eldest English affiliate, Waverley, is a case in point. The abbey stood only ten or so miles south-east of Earl Simon's great fortress at Odiham. The Countess and her husband were visitors and generous patrons of the house.[119] This neighbourly intercourse continued undisturbed throughout the decade of turmoil and just a few months before the

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after the Charters were confirmed and the baronial petitions had been satisfied. Meaux, II, 129. cf. also R.F. Treharne, The Baronial Plan of Reform, (Manchester University Press, 1932).

[118] O'Sullivan has shown that Margam was coerced into the opposition by the de Clare's who were its patrons. Cistercian Settlements, p. 87.

[119] AM, II, 336. It is notable that Henry III, at his own request, was extended the benefits of fraternity in the house when he visited it on 17 December 1225. AM, II, 301. A lot of water had passed under the bridge since

fateful clash at Evesham the abbot, Ralph (1252-1266) was regally entertained at the table by Eleanor.[120] I do not think it too presumptious to assume that Ralph's resignation in the early autumn of 1266 was the necessary prerequisite for the political rehabilitation of the community.[121] A royal letter patent tends to buttress that interpretation. It is worded in a way which allows of little doubt that the Crown had been greatly incensed at the close relations between the Montforts and the abbey during the disturbances and that only royal protection would save it from despoilation as the hands of the king's supporters.[122] Now apart from his interest in Waverley and perhaps even in Notre Dame du Val near Pontoise - a familial favorite of long standing - the Earl appears not to have had any predilection for the Order.[123] He carried out

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that time however.

[120] Manners and Household expenses of England in the Thirteenth Century, ed. H.T. Turner, (London: Roxburghe Club)1841), p. 5.

[121] AM, II, 373. The excuse the annalist of the house gives for the abdication is a traditional one "sed infirmitatis importunitate ac laboris fatigatione praepeditus.. ." but we know from the Statuta, III (1266:47) that Ralph was already embroiled in a contest with his fellow abbots in England. No reason is given for this trouble but it may well be concerned with the Order's stand vis-à-vis de Montfort.

[122] CPR(1266-1272), pp. 346-347.

[123] Between 1220-1265 Simon was siezed of the advowson of Garendon abbey by Roger de Quency. Monasticon, V, 329. Whether this right was lost to the family after Evesham is difficult to say.

dutifully the banalities which men of religion imposed on every great figure of that age; he obtained the ratification of certain rights for the abbey of Pipewell[124] and deposited into the hands of the abbot of Thame a small sum of money for safe keeping.[125] Yet, it seems that his religious interests, lay in a different direction and as far as can be ascertained, no one among those who remained faithful unto exile or death for the Provisions stood in so close a relationship with a Cistercian community as did the Countess and the great earl.[126]

The composition of the parliament of 1265 cannot be used as a sure barometer of Cistercian sentiment either, although the eminent bishop of Oxford once observed that so large a gathering of prelates and religious was a "sufficient proof that the clergy as a body were on the side of the earl."[127]

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124. CPR(1247-1258), p. 631.
125. Ibid.(1258-1266), pp. 457, 467.
126. The sole exceptions to this generelization were the Welsh houses. Prof. O'Sullivan has indicated that the element to be reckoned with in their case was the overriding nationalism of the Welsh Monks. Because the Barons' were willing to meet the Prince's [Llywelyn] demands "he joined them and although the outcome of the battle of Evesham dissolved the Welsh-Baronial coalition [it] did not alter Llywelyn's position." Cistercian Settlements, p. 67; cf. also J.E. Lloyd, A History of Wales, 2 vols., (London: Longmans, Green & Co., 1912), II, 734-735.
127. Stubbs, Constitutional History, II, 101. In this regard his views have generally prevailed. Doubtless H.G. Richardson & G.O. Sayles in their continuation of The Governance of Medieval England, (Edinburgh, University

His assertion, embracing as it does a third of the Cistercian heads of houses added to the highly coloured narrative of the Waverley chronicler, has led the unwary to conclude that the White Monks were ardent followers of the Montfort party.[128] Much recent research as diluted the simple Stubbsian formula with a more complex draught. It is now asserted that the "packed" assembly convened by Simon was really an attempt to broaden the base of baronial support by enlisting all the more powerful elements behind him.[129] This view appears all the more attractive in the light of certain entries in the official records pertaining to Cistercian communities both before and after that parliament.

A short space after the baronial victory at Lewes abbot Alexander of Fountains (1259-1265) applied for a letter of safe conduct for his proctors to the General Chapter. It was issued "on condition that they bear nothing with them that can be prejudicial to the king and the barons of the realm."[130]

Press, 1963). will revise this interpretation also.

[128] Sister James Eugene Madden, "Business monks, Banker monks, Bankrupt monks,"The English Cistercians in the Thirteenth Century, CHR, XLIX (1963-1964), p. 357.

[129] B. Lyon, A Constitutional and Legal History of Medieval England, (New York: Harper Bros., 1960), p. 344; Sister Aloyse Marie Reich, The Parliamentary abbots to 1470, (Berkeley: University pf California Press, 1941), p. 340.

[130] CPR(1258-1266), p. 340.

If the Order was as unswerving in its devotion to the old cause as has been claimed that sort of clause would not have been needed. Its inclusion on the other hand betrays the doubts harboured by the barons as to the political reliability of the Cistercians. Moreover, in the interval between Lewes and Evesham only six applications for royal protection were made by their communities. The paucity of such petitions and grants is the more striking when it is measured against the eight that were issued in the month preceeding Lewes[131] and the eighteen conceded in the two months after Evesham.[132] To the questions raised by these statistics one might hazard three answers. Either the religious were in no need of protection, the civil instability made travel to and from court impossible or, most of the White Monks felt that any instrument granted by a regime opposed by so large a part of the nation was of dubious value.

Inasmuch as the Montfort government recognized that "the houses of the Cistercian order /have/ suffered more than other religious houses by the late disturbances and other expenses..."[133] the first suggestions seems inadmissable.

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131. CPR(1258-1266), p. 311 seq.
132. Ibid.(1258-1266), pp. 436,440,445,447,454-455,461,463; Ibid.(1266-1272, p. 256.
133. CPR(1258-1266), p. 428. A few houses exploited the disturbances to advantage however. Byland, for instance,

More merit is to be attached to the second. According to William Rishanger the realm "shook with the terrors of war."[134] The insecurity affected everyone and everything. Six weeks before Simon's power was destroyed the administration had disintegrated. This is proved by the lack of entries in either the Patent or Close rolls. The third proposal increases in value as it is realized that four of the six letters mentioned above were granted by the baronial government before the defection of Gilbert de Clare, and, that the other two were made to Dore and Buildwas abbeys while de Montfort was in the environs of Hereford.[135]

Equally instructive is the evidence of the post Evesham period. Following the royal proclamation declaring the

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was ordered to restore stolen property which had come into its hands. CPR(1258-1266), p. 508; Newenham was amerced 126-6-8 for its trespasses in the same year. Ibid.(1266-1272), p. 341. In 1264 as Henry III led his army towards the field at Lewes he stopped off at Robertsbridge and extorted a large sum of money from the community. W.H. Blaauw, The Baron's War, (London: Nichols & Son, 1844), p. 200. Much of the violence and destruction was not due to the warring factions but to the lawless elements. Note, for instance, the coroner's inquest into the death of one of Kirkstall's servants accidently killed while defending his employer's stock and goods "from a common robber Robert Cariman with a multitude of evildoers." C.Inq.M., I, 2116.

[134] Willelmi Rishanger Chronica et Annales, 1259-1307, ed. H.T. Riley, Rolls Series, No. 28 Pt. II, (London,1865), p. 29; Wendover, II, 489.

[135] Dore is located ten miles southwest of the city and Buildwas little more than sixty directly north.

forfeiture of all the lands and tenements of Earl Simons' _fautores_, the abbot of Bordesley, Philip (c.1242-1269) and the prior of the Augustinian house at Studley were commissioned to make an extent of Peter de Montfort's manors in Warwickshire because the sheriff was unable to do so by reason of the resistance offered by the baronial partisans there.[136] In view of the king's remorseless handling of Leicester's supporters it seems quite improbable that he enlisted the services of one whose sentiments were engaged on the side of the discontents. A much more evident example of royalist sympathy among the White Monks is seen in the case of the abbot of Tintern. In mid-March of 1266 he was entrusted with the onerous but highly sensitive and responsible business of supervizing all the royal demesnes south of the Trent. A writ _de intendendo_ was issued to the royal tenants notifing them of the fact, and, the escheator of the region, William Clifford, was commanded to deliver up the lands to him.[137] It is inconceivable that Henry would let out so important a post at so perilous a time unless the recipient possessed his complete trust and confidence. A further example of the king's reliance on their loyalty occurs in May of 1267 while

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136. _CPR_(1258-1266), p. 658.
137. _Ibid_.(1258-1266), pp. 568, 586.

his agents carried on negotiations with the rebel leaders of the city of London. Henry and the papal legate, Ottobuono Fieschi, set up their headquarters at the Savigniac-Cistercian house at Stratford Langthorn.[138] For one month less a day they remained there until peace was made. Somewhat later, the patron of Bindon abbey in Dorset, Henry Newburgh, gave permission to the community to select a patron of its own choice. The election of the king and his spouse and royal acceptance of the dignity and the valuable rights attached thereto bespeaks the esteem of the community.[139] Otherwise, we are left with the unseemly cynicism of the Monks and the greedy opportunism of the king. Twenty years after Evesham the Monks of the marcher house at Basingwerk employed to great legal advantage their claim of fidelity to the crown in the time of the troubles.[140]

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138. AM, IV, 201-203. For the legate's stay at the abbey and the accounts of it see, R. Graham, "Cardinal Ottobon: and the monastery of Stratford Langthorne," EHR, XXXIII (1918), pp. 213-225.
139. Monasticon, V, 657-658; CPR(1266-1272), p. 673; Ibid. (1272-1281), p. 337. Houses of royal patronage, Furness, Stanley in Wiltshire, Stoneleigh, Beaulieu and Netley could hardly have been unfaithful to the royalist party. One might also add Prince Richard's foundation at Hayles as a Henrician supporter.
140. Calendar of County Court, City Court and Eyre, Rolls of Chester, 1259-1297, ed. R. Stewart-Brown, Chetham Society Publications, (1925), pp. 59-60. Although several others came before the courts at this time there is no evidence tp suggest that they used this or similar pleas.

Something may also be said in favour of a Cistercian neutralism. As Englishmen they shared the concern of the barons and bishops over the king's disasterous forays into foreign affairs.[141] Similarly, the contemptuous disregard and distaste which the Poitevin, Provencal and Savoyard relatives of the royal family had for the laws and people of England disgusted them, their use of Cistercian cloisters as depositories notwithstanding.[142] Even Henry himself, despite his extravagant giving and showy piety, could not but antagonize the Monks by his continual exercise of the royal privilege in the matter of dona.[143] On the other hand the reformers offered terms hardly more promising. In place of foreign plunderings de Montfort could substitute only his own spoliatores.[144] Instead of gifts systematically extorted the barons enacted legislation inhibiting the acquisition of

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141. AM, II, 308, 345-346.
142. Meaux, II, 129; AM, II, 349-350. Flaxley had been embarassed by some of these foreign favorites taking refuge there during the troubles of 1235. Cart. Flax., pp. 55-57. Later, the baronial council moved against "alien" deposits in religious institutions, especially in July and August of 1258. William de Clare and Robert Walerand were sent to Beaulieu and Roger St. John went to Waverley to prevent Poitivin withdrawals unless with council's consent. The government took 1400 marks from Waverley and 1,000 marks from Beaulieu which Aymer de Valence deposited in those houses. CPR(1247-1258),p. 640, 643-644; (1258-1266), p. 15;CCR(1256-1259).253,257.
143. Dona was collected seventeen times, Mitchell,Op.Cit.,9.
144. Powicke, The Thirteenth Century, pp. 176-178.

lands and thereby freezing monastic income.[145] In lieu of a "magnificent potterer" despotically seeking glory the magnates proposed a claque of ambitious, self-serving dynasts. With so little to choose between them one might reasonably assume that a number of communities adopted a "wait and see" attitude and stood apart from the issue.

Although the White Monks were not unanimous in their sentiments during the crisis of the sixties, it is certain that peace and deference for their exemptions was their fondest desire. They were to experience both in the few years that remained to Henry.[146] Old now in years and misfortune he gracefully yielded to his son's tutelage. Yet it cannot be denied that the compositions demanded and received by him in 1225, 1233 and 1255, following fast upon the malevolent extortions of John, established the precedent by which the Crown claimed gifts in lieu of the impositions precluded by the Order's exemptions. For Edward I it only remained to.

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145. Provisions of Westminster, c. xiv; AM, I, 440
146. They were exempted from the subsidy granted in 1270 but acted as custodians of the collecta. cf. Register of Walter Gifford, Archbishop of York, 1266-1279, ed. W. Brown, Publications of the Surtees Society, CIX (1904), p. 53. A few houses paid it by virtue of the property possessed by churches under their care. Note the order to Byland contained in Reg. W. Gifford, p. 245. See also Letters from the Northern Registers, ed. J. Raine, Rolls Series, No. 61 (London, 1873), p. 38; CPL(1198-1304), p. 423.

regularize his father's practice. In part he achieved that goal by the convocation of national assemblies to which the abbots of numerous Cistercian communities were summoned.

CHAPTER II

THE WHITE MONKS IN PARLIAMENT

Eight months after his return from the Holy Land Edward I, "the best lance in all the world," summoned the first of his now famous assemblies and initiated a season of legislative activity which for its intensity and importance would have no counterpart until very recent times.[1] Edward's rôle in the constitutional and legal progress of his realm was recognized as clearly in his day as it is in our own; to contemporaries he was another Henry II, to moderns he is the "English Justinian." Yet neither view does him full justice inasmuch as the real substance of his contribution lies more in his adaptive than in his creative talents. From a temporary expedient hastily contrived by his uncle in a moment of deep crisis he fashioned a new engine for the vehicle of government. From the tangled mass of law and custom he arranged, ordered and, with the assistance of the greatest judges and legal minds he could employ, expunged, amplified and defined until the needs and circumstances of his times

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1. W.S. Holdsworth, A History of English Law, 4 vols., (London: Metheun, 1909), II, 244. Cf. also J. Reeves, History of English Law from the time of the Saxons, 4 vols., (London, Brooke, 1787), II, 92. The best work on pre-Edwardian law is F. Pollock and F.W. Maitland, The History of English Law, (Cambridge: University

times were met.

The instrument of government he perfected and regularized, Parliament, had its wellsprings in the fusion of the old Saxon Witenagemot and the Angevin Great Council. To the union the Witan brought the principle that the monarch ought not to act in any great affair without advice and consent. For its part, the Great Council feudalized and systematized the nature and functions of the advisory body and, ultimately, combined the ideas of taxation and representation. Within each, the spiritual and secular lords constituted the principle, if not the sole voice. Among the prelates, the heads of religious communities always formed a considerable party.[2] Their presence at such gatherings is attributable, in most instances, to their entanglement in the feudal structure.[3] By the late thirteenth century however the heads of exempt houses were being summoned to attend. The purpose of this chapter is (a) to ascertain the reasons for and, the legal

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Press, 1952).

[2] F. Barlow, The English Church, 1000-1066, (London: Longmans, 1963), pp. 115-153; T.J. Oleson, The Witenagemot, (Toronto: University Press, 1955), pp. 48-53; L.O. Pike, A Constitutional History of the House of Lords, (London: MacMillan & Co., 1894), pp. 5-6, 151-168.

[3] J.H. Round, Feudal England, (London: Swan Sonnenschein, 1909), pp. 225-314. More particularly, Knowles, MO, pp. 607-612; RO, II, pp. 298-300.

basis of, Cistercian inclusion into these assemblies and (b) to account for the peculiar composition of the Cistercian contingent.

Most scholars agree that finance was one of the principal motives for the calling of parliaments in the age of Edward I. The king, like his father and grandfather, was always short of money. Government had become ever more complex with the passage of time and consequently, increasingly expensive. Revenues did not rise to correspond with the new developments but deteriorated in the face of inflation. Moreover, Edward's imperialpolitik, the conquest of Wales, the subjection of Scotland and the war with France, imposed an exceedingly heavy drain on financial resources. To supplement his income he resorted to an impost on personal property, a device which first appeared in the Saladin tithe of 1188.[4] The frequency of this type of tax was increased immeasurably in 1254 when Innocent IV granted to Henry III a tenth of church moveables for three years in order that he might finance a crusade that he promised to undertake.[5] Now inasmuch as exempt religious were liable to contribute to

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4. Studies in Taxation, p. 6; J.H. Round, "The Saladin Tithe," EHR XXXI (1916), pp. 447-450.
5. AM, III, 190; Paris, Chron. Maj., VI, 297; Lunt, Financial Relations, p. 255; supra, pp. 37-38.

the papal treasury for such ventures the taxing power of the Crown was extended over the Cistercians whenever the pontiff was persuaded that a royal project was in the legitimate interests of the church.[6] What king Henry used haphazardly the lord Edward soon regularized.[7] In 1273 Gregory X granted to Edward a tenth of church revenues to defray the costs of a crusade. The exempt orders offered the king a "courtesy", the White Monks in the amount of £1000.[8] A few years later the abbots of the Order received writs requiring them to meet with his household clerk, John Kirkby, "to hear and to do that which we in the public interest shall cause to be declared to you on these matters and to give us counsel and assistance." The assistance rendered by the commonalty of the clergy amounted to a thirtieth. The properties of the monk's freeholders and villeins were subject to this tax but those of the Order were spared.[9] Yet even this doubtful advantage was nullified when the abbots were inveigled into offering a gift of 1,000 marks to defray the costs of the campaign against David of Wales.[10] Still later, the banishment of the Jews served as an excuse for another subsidy. On that occasion a fifteenth was imposed, the *dona* of the White Monks amounting to 2,000 marks for two years.[11] By 1290 therefore Edward was regularly and effectively circumventing the Order's immunity from taxation. The only task that now remained was to place the White Monks on the same footing as the main body of the clergy.

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[6] Unless specifically exempted from the crusading tax the White Monks and other exempt orders paid along with those less privileged. At times they were compelled to pay even when excluded from the general levy. In 1199 Innocent III exempted them from the fortieth, allowed them to pay a fiftieth and then permitted them to compound for it in 1201 for 2,000 marks. Coggeshall, pp. 130-131; AM, II, 252-253.

[7] Two septennial tenths were imposed to finance projected crusades in 1274 and 1291. CPL (1198-1304), pp. 444, 555. Thereafter the crusading sham was dropped and levies were made for a variety of purposes, the crown and the papacy "sharing" the proceeds, Lunt, Financial Relations, pp. 311-418.

[8] Ibid., p. 313 n2.

A series of crises in the first half of the 1290's achieved that goal and at the same time precipitated the greatest constitutional innovation of his reign. In May of 1293 war had been renewed with France. On the 30th of September in the next year a rising of the Welsh under Madog was begun. In Scotland John Balliol was engaged in treasonable negotiations and at home finances were in shambles. To meet immediate needs the king ordered the seizure of all wool and leather at the seaports and in transit;[12] the ready money and treasures of religious houses and other ecclesiastical bodies was "borrowed";[13] the estates of the alien priories were sequestered[14] and stiff fines were imposed on all those who were liable but unable to attend the feudal muster for Gascony.[15] Still, Edward realized that none of these devices would allow him to meet his difficulties. Only through national levies could he permanently maintain a large enough force to overcome his enemies. Thus he issued writs summoning the clergy of the nation to meet with him at Westminster on the 20th of September.[16]

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[9] *Parliamentary Writs and Writs of Military Summons*, 2 vols., ed. F. Palgrave, (London: Record Commission, 1827-1834), I, 10,384,387; *Reports from the Lords' Committees on the Dignity of a Peer of the Realm*, 5 vols., (London, 1820-1829), III, 485 *seq*.

[10] *Calendar of Welsh Rolls*, 2 vols., (London: H.M.S.O., 1912), I, 249.

[11] By a writ of 22 September the king ordered the collection of this fifteenth, *Parl. Writs*, I, 24, and we are told that it was exacted with great efficiency. *AM*, III, 302-303; IV, 326. According to the continuator of William of Newburg the Yorkshire Cistercians contributed £440-0-0. *CSHR*, II, 573-574.

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[12] *Cotton*, pp. 245-247. The merchants were allowed to ransom their property at the rate of 5 marks per sack of the best wool and 3 marks for the ordinary sort. *CFR* (1272-1307), p. 347; *AM*, IV, 516. This *maltote* and a similar one four years later precipitated the crisis of 1297.

[13] The Dunstaple chronicler asserts that in July an inventory of all monastic and corporate valuables was taken, *AM*, III, 390, but it came in very slowly. *Ibid*., IV, 529. See also the observations of the chronicler at *Meaux*, II, 259.

[14] *Cotton*, p. 300 seq; D. Matthew, *The Norman Monasteries and their English possessions*, (Oxford: Clarendon Press, 1962), p. 81 *seq*. The abbots of Fountains and Rewley were ordered to admit monks from Cîteaux, the abbot of Vaudey to sustain a Savigniac and Wardon to maintain monks of Dunes in accordance with an ordinance directed against Frenchmen and their goods. *CFR*(1272-1307), pp. 365-366.

[15] *Parl*. *Writs*, I, 259 seq.; H.M. Chew, "Scutage under Edward I," *EHR*, XXXVII (1922), pp. 321-326. The abbot of Bury St. Edmund's appears to have paid £133-6-8 in lieu of six knight's service. *Memorials of St. Edmund's*

When all had assembled, Edward apologized for his recent acts by the plea of necessity and proceeded to request a subsidy. After some deliberation they voted him two tenths for one year. He was not satisfied by this and threatened to withdraw royal protection unless they surrendered half of their estates. A weak attempt was made to bargain for the repeal of the mortmain statute but the king would not compromise and so his demand was met.[17] On 28 September fifty-four houses of the Cistercian affiliation were issued letters of protection with clause nolumus because "they have granted the king for the present year a moiety of their benefices

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Abbey, 3 vols., ed. T. Arnold, Rolls Series, No. 96 (London, 1890-;896), II, 271.

[16] Parl. Writs, I, 25-26.

[17] AM, IV, 517; The Chronicle of Walter of Guisborough, ed. H. Rothwell, Camden Series, LXXXIX, (London, 1957), pp. 249-250. The leader of the clerical opposition to the royal demand for a moiety was bishop Oliver Sutton, ordinary of the Lincoln diocese. His connections with the Cistercians were wide and deep and perhaps explains the suggestion for the repeal of de religiosis. No other prelate was so influential in eastern England as he; no other bishop appears to have been on such friendly terms with the Order at this time. The Rolls and Register of Bishop Oliver Sutton, 1280-1299, 3 vols., ed. R.M.T. Hill, Lincoln Record Society, XXXIX, XLIII, XLVIII (London, 1948-1954), III, xiv-xv.

and goods."[18] Two days later, the abbots of Conway, Furness and Margam were appointed collectors of the tax in the dioceses of St. Asaph, York and Llandaff respectively.[19] The assessment was made on the basis of the inquest carried out at the order of Nicholas IV, the Cistercian contribution by very rough calculations probably exceeded £4200.[20]

From 1295 to 1307 five other taxes on movables were levied by the king. In the so-called Model Parliament of November 1295 the clergy refused to vote a third when asked to do so. Instead, they offered a tenth to which Edward moderated his original demand to a quarter. A month was spent in haggling and in the end the church won out. Once again the White Monks were imposed upon.[21] Still, the Scottish campaign consumed this revenue. In the interim the situation in Gascony had become so menacing that only another invasion of France appeared to offer any solution. Parliament was convoked anew at Bury St. Edmunds on the 2nd of November 1296 with the intention of provisioning the king with a new war chest.[22] His initial demand of a fifth from the clergy caused Archbishop Winchelsey of Canterbury to produce a recent Roman bull, clericis laicos, which prohibited the clergy from paying any tax whatever to laymen without the prior licence of the pontiff.[23]

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[18] CPR(1292-1301), p. 90.

[19] Ibid.(1292-1301), p. 89, Nos. 3,14.

[20] Until this time most clerical grants were raised on the Norwich evaluation. See, W. Lunt, The Valuation of Norwich, (Oxford: Clarendon Press, 1926). For the Taxatio note well, R. Graham, "The Taxation of Pope Nicholas IV," English Ecclesiastical Studies, (London: S.P.C.K., 1929), pp. 271-301. The figure we have represented above is only an approximate calculation of the temporalities and is, therefore, subject to the various qualifications stressed by Miss Graham.

[21] CPR(1292-1301), p. 174. Nineteen houses are recorded.

Although provoked by this presumption, Edward gave the primate until the middle of the following January to reconsider his answer. Winchelsey immediately convoked the clergy and the problem was debated in all its aspects for over a week.[24] They found that it was impossible to evade or deny the Bull and must refuse the king. Upon notification of this Edward placed church property and churchmen outside the law and, in the same month, ordered his officials in Kent to confiscate the lay fees of Canterbury.[25] Under this sort of pressure the clergy of the northern province and other exempt bodies, including the Cistercians, voted the fifth on the grounds that it was in fine for a resumption of royal favour. Once again charters of royal protection were issued to those who made the grant.[26] Winchelsey, however, was not so easily cowed and continued to resist every ploy intended to bring him to heel. By the middle of May the tide had begun to flow in his favour. Edward had estranged the barons by insisting that they either go to Gascony or be hanged;[27] infuriated the lesser gentry by issuing a similar summons and threat and iriitated merchants by taking into his hands all wool shipments in excess of five sacks, reimbursing them with

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[22] Parl. Writs, I, 48. Only three abbots were called to the August parliament of that year, namely, Waverley, Kirkstead and Hayles, Ibid., I, 28; Prayers for peace were also requested of eight Cistercian establishments after the campaign got under way. CCR(1288-1296), p. 566.

[23] Cotton, pp. 314-315; Guisborough, p. 286.

[24] Guisborough, pp. 287-288.

[25] AM, III, 405-406; IV, 530; CPR(1290-1301), p. 244.

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26. The clergy of the northern province received these letters on 6 February but only thirteen Cistercian abbots are entered in the rolls as having been issued with them and seven were not summoned to this parliament. Lords Report, I, 219; CPR(1292-1301), pp. 237, 265, 267-269, 271-272, 286. By a chancery instruction dated 1 March the estates of those who refused payment were liable to confiscation and the sheriffs were commanded to jail anyone who attempted to impede the king's will. Parl. Writs, L, 393-394. However, there is no mention of Cistercian estates being seized and so we can assume that they complied although the letters of protection were not issued to all. This view is indirectly substantiated by the absolutions noted in note 29 infra. Furness' portion of the fifth amounted to 62/- . Lancashire Lay Subsidies, 2 pts., ed. J.A.C. Vincent, Record Society for Lancashire and Cheshire, XXVII, (London, 1893), I, 217. Fourteen monasteries were exempted from the twelfth imposed on all goods attached to spiritualities by the December parliament on condition that the goods of their villeins be taxed in the same manner as the goods of laymen. C.Chan.R.(Various), pp. 22-27.

27. Guisborough, p. 290.

promissory notes.[28] Discretion impelled him to make peace with the Archbishop and return the impounded estates.[29] Yet the accumulated grievances were too great and too widespread for them to be glossed over by such shallow acts. No sooner did he weigh anchor for France than the malcontents forced his

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28. AM, IV, 531; Combe abbey received a royal I.O.U. for three sacks of wool purchased by Edward's agents. CPR (1291-1301), p. 311. Pipewell was given one for £29-9-9 for five weeks. Ibid. (1291-1301), p. 311. A royal mandate directed to Harsculp Cleseby ordered the wool and hides of the abbot of Holm Cultram, which had been seized, to be restored provided the abbot have letters of protection and have sold the wool by a certain date, otherwise the king would keep them and pay a fair price. CCR (1296-1302), p. 108. A similar order was sent to the sheriff of Southampton and his aides to return ten of the thirty sacks of wool taken from the convent of Beaulieu, the abbot having promised that they would be used in making cloth for the community. CCR (1323-1327), p. 64.
29. Winchelsey's estates were restored on 11 July and at a convocation of the clergy held in the next month the pope was petitioned to appoint a resident cleric to absolve all those who had come under the ban because of their defiance of clericis laicos by giving the king a subsidy. Register of Robert Winchelsey, 10 pts., ed. R. Graham, Canterbury and York Society, (London, 1917-1942), III, 237-238. Apparently, Rome felt that no special penitentiary was needed and gave faculties to individual bishops. Thus Archbishop Corbridge issued letters of absolution to eight of the nine Yorkshire Cistercians as well as the abbot of Furness and Citeaux's custodian of Scarborough. Register of Thomas Corbridge, 2 pts., ed. A.H. Thompson, Surtees Society, Publications, (London, 1925-1928), I, 19, 78-79, 150. Absolution was contingent on penance; the abbot of Hayles, for example, was suspended for several days and ordered to feed forty poor persons. Register of John Pontissara, 10 pts., ed. C. Deedes, Canterbury and York

regent son, the young Edward, to confirm and amplify the Charters.[30]

Although the Cistercians were present during the *Confirmatio Cartarum* of 1297 and attended the Parliament of 6 March 1300 at which the *Articuli super cartas* were promulgated, no appeal for aid was made.[31] On the other hand, the Parliament of January 1301, ostensibly convened to consider the issues surrounding the perambulation of the forests, resulted in a "bill" which "on condition that [the Charters and other reforms]...are carried out and firmly established and accomplished, the people of the realm grant him the fifteenth ..."[32] Irritated in the extreme by what he felt was an

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Society, (London, 1913-1924), I, 106; R. Graham, "A Petition to Boniface VIII from the clergy of the Province of Canterbury," *English Ecclesiastical Studies*, pp. 303-316.

[30] Powicke, *The Thirteenth Century*, pp. 681-683.

[31] Writs of summons are dated 29 December 1299 for the second Sunday in Lent. *Parl. Writs*, I, 82 *seq*. *Rotuli Parliamentorim,* 7 vols., (London, Record Commission, 1783-1834), I, I, 143-144. The abbots of Fountains and Jervaulx, among others, were ordered to search the muniments and records of their convents for any matter of historical interest relative to the kingdom of Scotland and send it to parliament by the most informed members of their communities. *Monasticon*, V, 378. The purpose for this was to help in the refutation of Boniface VIII"s claim to overlordship of that kingdom, and, to justify Edward's assertions. Six years earlier, in 1291, the abbot of Furness was commanded to record the agreements which had been made with the Scots. *CSHR*, II, 516.

[32] *Parl. Writs*, I, 104-105.

infringement of his authority but impelled by indigence to place his Placet expresse after each clause in the charter. Edward convoked no similar assembly for another year. The two Parliaments which were called in 1302 do not appear to have entertained requests for new taxes.[33] Two and a half years intervened until the next meeting. On Sunday after St. Mathias day (28 Feb.) 1305 discussions "touching certain matters of England and the settlement of Scotland, and other diverse matters,"[34] did not include taxes. Next year in a May Parliament an aid was requested because the king had decided to knight his son and "according to the rights of.../the/ crown, an aid should be given to us on such an occasion." The aid was converted into a thirtieth of the movable goods of clergy and laity, the last direct tax of the reign.[35]

Apart from the grants of 1301 and 1306 the king had, from 1297 onwards, been living on his ordinary revenues augmented by sundry money-making expedients. The most lucrative was the conversion of the papal income taxes on ecclesiastical goods to his own uses without promising to undertake a crusade. Shortly after he had been voted the fifteenth in 1301, Edward received permission from Boniface VIII to take half of the triennial tenth which had been imposed on the English clergy.[36] Still later, in June 1305, Clement V granted him seven tenths to be taken in three installments.[37] Before the second biennial tenth under this last grant was collected Edward died.[38] Nevertheless the new king, his son, petitioned for a triennial tenth. It was allowed and with it went a promise that once the grant had run out he would be permitted to take an annual tenth.[39] The Cistercians were not exempt from any of these impositions and in several instances they had the onerous and unenviable task of collection.[40]

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[33] The writs for the first assembly were issued on 2 June for the 1st of July. Parl. Writs, I, 112. For the record of it see Rot. Parl. I, 146. The second was summoned on 20-26 July for Michaelmas, Parl. Writs, I, 114, was prorogued to 13 September. Ibid., I, 116-117. Its transactions are reproduced in Rot. Parl. I, 150;

[34] The acta of this parliament are critically edited in Memoranda de Parliamento, ed. F.W. Maitland, Rolls Series, No. 98 (London, 1893).

[35] Parl. Writs, I, 164-165; Foedera, I, 982

Finance was not the only reason for convening Parliament As we have noted de Montfort's assembly was meant to win a national approval for his policies[41] and several of Edward's Parliaments were called with the same purpose in mind.[42] Furthermore, because it was the child of the old curia regis, Parliament exercized certain functions hitherto embraced by the parent body. One of the most important was its capacity to act as the high court of justice of the kingdom. Long before Edward's accession it had been the custom of the king and his council to hear and redress wrongs, to entertain petitions . In the earliest days both pleas and petitions were made in person and orally. The ever increasing use of this right obliged the king to modify the procedure until the written petition replaced the oral and the parliamentary advocate replaced personal attendance at pleas.[43] No better advocates for such a large, wealthy and influential body as the Cistercians could be found than their own heads of communities. The royal goal of reducing everyone in the kingdom to the status of a subject could be the more easily achieved by having the abbots present when their pleas and petitions were being

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[36] Lunt, Financial Relations, p. 366. Bindon abbey paid £10-14-7 on this levy. CPR(1301-1307), p. 298.

[37] Lunt, "Clerical Tenths levied in England by Papal authority during the reign of Edward I," Anniversary Essays in Medieval History by the students of Charles Homer Haskins, (Boston: Houghton Mifflin, 1929), p.157

[38] Edward died on 1 July 1307; Lunt, "William Testa and the Parliament of Carlisle," EHR, XLI (1926), 332-357.

[39] Ibid., p. 349.

[40] The Patent rolls indicate that Margam acted as a deputy collector in the diocese of Llandaff on four occasions; Valle Crucis and Tintern were deputized twice, Furness, Newminster twice and Basingwerk, Conway once

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41. supra, p. 44.
42. The July parliament of 1290 appears to have been called to enlist support for the exile of the Jews which had already been decided per secretum consilium. Stubbs, Select Charters to 1307, (Oxford: Clarendon Press, 1921), p. 426. The model parliament was meant to win assistance for the Gascon expedition. Parl. Writs, I, 30.
43. A.F. Pollard, The Evolution of Parliament, (London: Longmans & Co., 1934), pp. 37-42.

heard. Valuable information might, in the course of these processes, be extracted in respect to the condition of the Order while the judgements and decisions rendered therein would be a constant reminder of the royal power.

From the Parliament of St. John Baptist's day 1278 to the Carlisle parliament of 1307 twenty-one Cistercian pleas and petitions are entered in the Rotuli Parliamentorum, nineteen of which were presented by individual abbots. The private presentations, not surprisingly, are quite varied and reflect the activities and interests of the pleaders; the abbot and community of Bordesley seek royal assistance in a dispute with Durante Bonyn, Theglas Therald and associates, merchants of Florence; the abbot of Netley asks that the records and process in a suite de ultime presentatione which he had with John FitzJohn over Shire church be presented for an appeal; the same abbot sues against the imposition of customs duty on his goods coming from Gascony by the bailiffs at Southampton; the Friars Preachers are impleaded by the abbot of Bruern over a piece of land in London; the parson of the church of Phillingham asks that he be allowed to sue the abbot of Whitland in the curia Christianitatis over tithes owed him; the abbot of Basingwerk requests that a royal inquisition be made on some of his lands near the forest of

High Peak.[44]

Three petitions were presented on behalf of the Order; the first during the Gloucester Parliament of 1278 and the others during the January session of 1290. The first requested royal help against the episcopate which was endeavouring to extend its authority over the religious, a presumption which ran counter to rights and privileges which had been bestowed on the Order at the time of its formation. In reply, the Crown indicated its willingness to allow the White Monks to enjoy all their old immunities but refused to permit them to exercize any new rights. Apparently, royal good will and assistance did not result in any concrete improvement for the same plea was entered in the Parliament of 1290.[45] A second petition relates to the operation of the de religiosis statute. The Order asked that it be permitted to amortize the lay fees which were in its possession lest "they fall into alien hands:" In this matter the Crown was non-commital. A third application has to do with freedom of passage in England. Royal reaction was to continue past policy.[46]

One other petition deserves brief mention here. In the 1305 Parliament the Crown entertained a petition presented in the name of the earls, barons and community of the realm, the aim of which was to prohibit the carrying or sending of money by English religious to their superiors abroad.[47] A modern writer contends that although submitted by the laity the plea was in fact a devise used by the Monks to put an end to the taxation of their properties by the Roman pontiffs and the abbots of Cîteaux.[48]

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[44] Rot. Parl. I, 1b, 20b, 47a, 53b, 62b.
[45] Ibid., I, 4b, 51b.
[46] Ibid., I, 51b.

Though the composition of Parliament has preempted the attention of many modern scholars, only in very recent years has any serious attempt been made to discover the legal basis for the calling of exempt religious to the Parliaments of Edward I and his successor.[49] The main problem here has been to reconcile the possession of estates in pure and perpetual alms, free from all intrinsic and forensic obligations with

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47. Rot. Parl. I, 178b.

48. Sister James Eugene Madden, Op. Cit., pp. 364-364; cf. infra, pp. 235-242.

49. The translation and interpretation of the latin expression in pleno parliamento or its French equivalent, en plein parlement, is a critical one, for depending on how one represents this expression so one's theories of parliament in medieval England will be coloured. Over the years two conflicting schools of thought have emerged constructed around theories first advanced by such formidable figures as William Stubbs and Frederick Maitland. To Maitland's "open parliament" school belong A.F. Pollard, H.G. Richardson, G.O. Sayles and H. Cam. Supporting the Stubbsian view are B. Wilkinson and M.V. Clarke among others. To Stubbs the word, plenum, implied "fullness" and, when used in conjunction with parliamentum, he understood it to mean parliament which

the actual court service rendered by the White Monks when they

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was attended by the representatives of all the estates of England as opposed to the notion of an assembly which was not representative at all./*Constitutional History*, II, 245/. This view was widely accepted until Maitland, in the preface to his edition of the *Memoranda de Parliamento*, set forth a new and revolutionary view wherein the king and council could constitute a *plenum parliamentum*. /p. xxxvi/. By 1915 Professor Pollard was engaged in an attempt to reconcile the word *plenum* with a meeting of only the *curia*. The gist of his thesis was that only the latin expression *in pleno parliamento* was only a translation of the earlier French expression *en plein parlement* and that the adjective *plein* in medieval French denoted "open" rather than "full"; he bolstered this view by suggesting its similarity to the expression *en plein air*. /"Plenum Parliamentum," *EHR* , XXX (1915),pp. 660-662/. The Pollardian explanation found support as late as 1944 from Helen Cam who pointed up the frequency with which like expressions were used to describe similar assemblies, more particularly the expression en *pleno comitatu*. / "From Witness of the Shire to Full Parliament," *TRHS*, XXIV (1944), pp. 13-45/ Still further support was given to Maitland's interpretation as a result of the work of H.G. Richardson and G.O. Sayles who claimed that a "full" meeting of the council in Parliament and whose business was done in public constituted a meeting *in pleno parliamento*. If, however, the assembly was held *in camera* it was to be considered to be a council. /*Rotuli Parliamentorum Anglie Hactenus Inediti* 1279-1372 (ed. H.G. Richardson & G.O. Sayles), *Camden Society*, London, 1935) p. xi/. These arguments notwithstanding, Maitland's position did not win widespread support either in his own day nor during the early decades of the present century. Indeed, there has been, in more recent times, a reaction and a return to the older Stubbsian view. In 1937 the conclusions of two scholars, independently reached but confirmatory of one another, were published and have since received considerable support. According to Maude Clarke, by the year 1320 "the prelates and magnates alone were no longer deemed sufficient to constitute a full parliament;" the implication being that the commons was, by that time a constitutnt part of all parliamentary bodies./*Medieval* attended Parliament. In 1941 Sister Aloyse Reich put forward the notion that the Cistercian and Premonstratensian abbots swore an oath of fealty to the king whereby they were made liable to give counsel whenever called upon to offer it.[50] She supported her thesis by a three-pronged argument. (1) That

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Representation and Consent, (New York: Russell & Russell, 1964), p. 170/. B. Wilkinson was much more cautious, contending that the expression in full parliament was meant and that during the thirteenth and fourteenth centuries the expression included the general body of the lords./*Studies in the Constitutional History of the Thirteenth and Fourteenth Centuries,* (Manchester: University Press, 1937), pp. 2-3/ T.F.T. Plucknett, "Parliament", *The English Government at Work, 1327-1336*, 2 vols., ed. J. Willard, (Cambridge, Mass.: Medieval Academy, 1940-1950), I, 108 n5, tends to support the stand taken by Wilkinson.

In pleno parliamento appears for the first time in the rolls for the year 1290 and was meant to describe according to Miss Cam meetings in which many and divers issues were considered. It also seems that no distinction was made between matters which were grave from those which were unimportant. *Rot. Parl.* I, 19,20,25,32,75; between a parliament composed of all the estates and called *plenum* or from a meeting in which the council only attended and was called *plenum*. *Ibid.*, I, 204-214. It is with the evidence about the parliament of 1305 that the interpretation of *in pleno parliamento* becomes critical. At that time Edward issued an order to *Ercevesqs Evesqs et autres Prelatz Countes et Barons Chivalers des Countes Citizeyns et Burgeys et autres gentz de la commune* to return from whence they came. In another passage in the same order *Les Evesqs Countes et Barons Justices et autres qui sont du Conseil nostre le Roy* are exempted. *Rot. Parl.* I, 159. It is in the interpretation of these two passages that the two schools have their origins and from whence the dispure arises.

50. Reich, *Op. Cit.*, pp. 352-357.

at the time of Alexander IV's absolution of Henry III from observing the Provisions, all the prelates and barons were similarly absolved from their undertakings and ordered to obey the king; (2) that Cistercian houses of royal foundation may have held by divine service; (3) that the Cistercians may have owed the king an allegiance which did not depend upon their form of tenure. This theory is an attractive one and there is much to recommend it. At the same time however it contains glaring inadequacies and errors.

The gravest weakness in Sister Reich's proposals lay in the assumption that the patrons of Cistercian houses possessed rights of custody during vacancies, issued licences for election and availed themselves of the same or similar rights as those exercised by the founders or benefactors of non-Cistercian houses. On the contrary, patrons of White Monk establishments were severely limited in their claims upon the Order or its affiliates. Rights of custody were unheard of because estates were held in frankalmoin. Participation in conventual elections, direct or indirect, was prohibited to all "aliens" by the constitution of the Order and confirmed by Roman authority.[51] So far as one is able to discover none of the English houses were disturbed during the twelfth and thirteenth centuries by their patrons endeavouring to assert such rights, although it is true that the relationship was slightly modified by the First Statute of Westminster.[52] In the Cistercian scheme of things patrons gave assistance and protection when required and in return received spiritual benefits and certain minor material advantages such as hospitality. Nowhere in their records is the obligation of giving counsel or doing service to patrons mentioned unless in connection with lands or rights held by secular tenure.[53] Thus the contention that the Crown somehow imposed fealty upon Cistercian communities when it usurped a baronial patron's situation is untenable.

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[51] "Carta Caritatis," Les monuments primitifs de la règle cistercienne, ed. P. Guignard, (Dijon: Analecta divionensia, 1878), c. 9,11, pp. 82-84.

Sister Reich occupies a more defensible position when she asserts that royal foundations were often held by tenure of divine service. All seven of the Cistercian cloisters of royal patronage seem to have held by such service. Stoneleigh, for instance, was founded by the Empress Matilda *pro statu regni et pro anima patris mei regis Henrici, et pro*

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52. *infra*, p. 89 *seq*.
53. The abbots of Stanlaw, *Monasticon*, V, 639, and Vale Royal, *Ledger Book of Vale Royal Abbey*, ed. J. Brownhill, *Record Society for Lancashire and Cheshire*, LXVIII (1914), p. 126, did service at the court of the Earl Palatine of Chester who, after 1265, was the king. Both houses held land by knight service. cf. *infra*, p. 237 n31.

anima matris meae et antecessorum meorum et pro salute viri mei, et mea. The charters of the other houses contain like expressions.[54] Nor can one object to the observation that all grants in frankalmoin had, by 1290, come to imply service of some sort unless otherwise stipulated. But it does not follow from this that the oath of fealty was exacted from all those who received a grant in free alms. Indeed a good case can be made out or presented for the view that unless specifically provided for oaths of fealty were not exacted. It is true, as Sister Reich points out, that the phrase "on your allegiance" appears in royal letters to Cistercian abbots but these occur only infrequently and at a time - the end of the fourteenth century - when Benedictine and Cistercian are distinguishable only by their garb. On the other hand, the more common expression employed in royal mandates suggests something other than mere fealty, "you are not to omit this, as you love the advantage of the king's realm and as you wish to avoid your own damage."[55] Unfortunately too the citations produced by Sister Reich to support her arguments are to Benedictine foundations and are, therefore, of little account in explaining the legal basis for the summoning of

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[54] Monasticon, V, 446, also, 247, 696.

[55] CCR(1296-1302), p. 216. Similar warnings were directed to fifty other abbots and convents.

Cistercian superiors.

If any explanation is possible I think it will be found in the surviving remnants of the old principle of Eigenkirche. The maxim to which I refer therein is that which stressed the lordship and protectorate exercised by the lay prince over the whole church within his territory. It has been shown by Professor Hamilton Thompson that the notion was very much alive in England at the close of the thirteenth century and that it was the curialist, John Romeyn, Archbishop of York and patron of the Cistercians at Fountains, who ennunciated it "so clearly and decidedly."[56] Although revived in the course of a written protest against papal reservations and provisions it is none the less a fair guage of the king's views in respect to the Church at large and of the exempt orders in particular. One, in fact, can discern a truncated version of it at the beginning of the century. During one of those infrequent periods of rapport between king John and the Cistercians, the former asked that he be admitted into their fraternity. If the Chapter acceded to his request he promised to become the special "patron and defender of the order."[57] Comparable sentiments were voiced during a conversation between Henry III and the abbot of Buildwas. Only a few months before, Henry had demanded the financial assistance of the White Monks for his Sicilian venture and been refused. The abbot was called into the king's presence and questioned as to the reason for the rejection. To the query "am I not your patron" the abbot replied that he was indeed "our patron and defender but you should not harm us by taking our money, but with devotion seek our prayers."[58] This encounter illustrates the opposing views of Crown and Order in respect to patronage; to the Crown it meant material as well as spiritual benefits; to the White Monks the only real obligations they had were purely spiritual. What Henry III proposed his son disposed, and so probably based his claims to counsel on the grounds of a general patronage over the entire church in his realm.

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[56] A.H. Thompson, The English Clergy, (Oxford: Clarendon Press, 1947), p. 10.

[57] Coggeshall, p. 109.

There is merit also in the view that the participation of the religious in parliament was merely the formalization and broadening of a service which had long been rendered on an *ad hoc* and individual lasis. Certain it is that the White Monks gave advice in spiritual and secular matters to the Crown from the time of their arrival in the kingdom.[59] And, it is to be noted that when they did so they were standing fairly in the Bernardine tradition. Not content with purely spiritual advice and service the monarchs increasingly engaged them in more secular concerns. On the Cistercian side not a few Monks were more than willing to oblige, and, even lay brothers were to make their contribution. In the light of king Edward's adaptive talents and his basic intentions it is not unreasonable to assert that he used a long standing Cistercian custom as a fundament for their inclusion into national assemblies.

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[58] Paris, *Chron*. *Maj*., V, 553-554.

[59] Abbot Ailred of Rievaulx was one of Henry II's advisors in the matter of Alexander III's recognition. *Chronicon Petriburgense Angliae*, ed. J.A. Giles, *Caxton Society Publications*, (1845), p. 98. His successor, abbot

Let us turn now to an examination of the composition of the Cistercian party in Parliament. Our only source of

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Silvain, along with Geoffrey, former abbot of Clairvaux, and the abbots of Mortemer, Beaubec, advised the same monarch during the conflict with Becket. *Materials for the History of Thomas Becket*, 7 vols., ed. J.C. Robertson, *Rolls Series*, No. 67 (London, 1875-1885), II, 207. Abbot Garnier Rochefort of Clairvaux was an intimate of Richard Coeur de Lion while abbot Milo of LePin was a constant attendant, chief almoner and father confessor to the same monarch. *Hoveden*, III, 131; *GC*, IV, 591; N. Trivet, *Annales*, ed. T. Hog, (London: English Historical Society, 1845), p. 160. Abbot John of Forde (1190-1220) formerly of Bindon is reputed to have fulfilled a similar function for king John. *AM*, I, 21; G. Oliver, *Monasticon Dioecesis Exoniensis*, (Exeter: P. Hannaford, 1846), p. 339. Adam, abbot of Perseigne, in the diocesis of LeMans performed valuable service in reconciling John and Philip of France after the former lost most of his continental possessions. Knowles has sketched out the career of abbot Hugh of Beaulieu in John's service, *MO*, pp. 658-659. Henry III employed a Cistercian laybrother in "secret matters" of state, *CPR*(1232-1247), p. 74, and in 1260 the abbot of Coggeshall was a royal envoy. *CPR*(1258-1266), pp. 83-86. For instances of domestic information on this subject are the lists of parliamentary writs, the most ancient of which predates by a few weeks the de Montfort assembly of 1265.[60] Two points must be established about these lists before any serious analysis can be undertaken. First, not all the abbots of the Order received writs of summons. Second, those who were cited on one occasion do not necessarily appear on the next. Thus the number and the names of those summoned varies almost from list to list.

When earl Simon convoked his assembly nineteen Cistercian abbots were invited to attend, more than half of whom were heads of foundations in Yorkshire and Lincolnshire.[61] Over the next thirty years parliament passed through a transitional and experimental stage and this perhaps accounts for the all but complete absence of writ lists. A regular series of lists commences only with the summoning of the Westminster Parliament of August 1295. To that meeting, only two White Monks, Philip of Waverley and John of Hayles, were called.[62]

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service to the crown see infra, pp. 216, 246 n56

60. CCR(1264-1268), pp. 84-86; Foedera, I, 449; Appendix, "A"

61. Sister Reich has drawn attention to the differences in the dates of the writs of summons. The first batch were sent to the north on 13 December and the remainder to the rest of the country a fortnight later. Seven of the eight northern Cistercians were called on the earlier date. The abbot of Clairvaux (no.38) was called on the 24th which substantiates her major assertion.

62. Not included here is the parliament of 21 September 1294

Nevertheless, the grave state of affairs abroad and the insolvency of the national treasury forced Edward, at the end of the next month, to convene the largest and most representative body of his reign. Among those cited to appear were the heads of forty-two Cistercian communities, the largest contingent ever assembled and, except for the abbots of Biddlesden, Kirkstall, Rievaulx and Thame, all had been summoned to the meeting of 1265.

From the "Model" Parliament until the end of the reign the White Monks were called to nine of the eighteen other gatherings. In every instance, save one, the abbots summoned to Simon's Parliament appear to have formed an almost unvarying nucleus. In no meeting did this "old guard" slip below thirty-four percent while on one occasion, the February Parliament of 1305, it reached as high as fifty-two percent.[63] Those most frequently called were the abbots of Byland, Combe, Furness, Jervaulx, Meaux, Newminster, Roche, Salley, Vaudey, and Waverley, (seven times each), followed by Buildwas, Fountains, Pipewell, Quarr and Strata Florida (six times each).

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to which an almost full contingent was convened. Seemingly the gathering was for the clergy only. Parl. Writs, I, 25-26.

[63] This percentage would be somewhat higher if the abbots of Biddlesden, Kirkstall and Thame did not enter into our calculations for they were never called after 1265.

Of the remainder, nine were summoned five times and sixteen were convoked on four occasions. A turning point in Cistercian representation was reached in the February-March assembly of 1305 for apart from the abbot of Whitland, all those who were cited to the "Model" Parliament received writs to this meeting. It was the last time the White Monks appeared in such force. At the second summoning of the year, only one monk, the abbot of Waverley, the senior house of the Order in England, is recorded as having been called, and he appears to have been summoned because of his premier position.[64] To the last parliament of the reign, convoked for the octave of St. Hilary (2nd Jan.) nineteen abbots received writs, eleven of whom sent proctors and one, the abbot of Combe, sent letters patent promising to abide by whatever the king decreed and to accept whatever Parliament decided.[65]

With but three additions, Hayles, Merevale and Rievaulx, and one deletion, Newminster, the list of summonses to the Carlisle Parliament provided the basic file of names of those

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64. Aside from the usual judicial business this assembly entered into discussions with the papal legates about a truce. Parl. Writs, I, 28-29; Rot. Parl. I, 132-133; Foedera, I, 824-826.

65. Rot. Parl. I, 190-191. Nine of the proctors were monks and two were ordinary clerics. The abbot of Waverley sent his sub-prior and the abbot of Bindon deputized a monk of Waverley to assist one John Brideport, who seems to have been a layman. For a discussion of the lords'

called to the first five parliaments of Edward II's reign. But from 1319 to the Great Parliament of Easter 1322 the numbers of White Monks convened dwindled rapidly. Indeed after the Repeal Parliament of York few White Monks were resummoned and then only at rare intervals. The one seemingly permanent representative in the post 1322 meetings was the abbot of Beaulieu who was quite frequently called until 1341. In that year abbot William Hameldon, upon fine, obtained royal sanction to be free from attendance at parliament.[66] With his release the formal history of the White Monks in the national assembly comes to an end.

During the course of our investigations we noted that, quite apart from the influence which the make-up of the de Montfort assembly had on the subsequent convocation of Cistercian abbots, a few heads of houses were called more frequently than others and that a large number of abbots never received writs of summons. This circumstance had posed numerous difficulties of interpretation and it need scarcely be emphasized that those scholars who have attended the issue have inclined to single out one element or the other as being

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attendance at parliament, confer R.S. Roskell, "The Problem of the Attendance of the Lords in Medieval Parliaments," Bulletin of the Institute of Historical Research, XXIX (1956), pp. 153-204.

[66] CPR(1340-1343), p. 243.

the real determinant in the king's selection. Our earliest commentators, Chew, Reich and, to a lesser extent Knowles, have intimated that wealth, whether of the Order or of the individual community was the factor which decided the choice although they all agree to a certain royal capriciousness.[67] On the other hand, Donkin, while allowing the essential validity of the fiscal interpretation, avers that political considerations were hardly less significant. He views the composition of the Cistercian party as the outcome of a reasoned attempt on the part of the Crown to ensure a balanced monastic representation through a geographic distribution of White and Black monks; the former representing the north western part of the kingdom while the latter acted for the south east.[68]

In general, the evidence we possess will only sustain the traditional view. A comparison of the resources of those cloisters whose abbots were convoked to the four meetings between November 1295 and January 1301 with those who were not summoned indicates that the parliamentary abbots were in control of more than seventy-five percent of the temporalities and marketed three quarters of the wool production.[69] In addition, when one takes into account the fact that those who were convened formed hardly more than half of all the abbots of the Order the correlation between wealth and membership in parliament becomes even more intelligible. Yet these figures do hold true for the remaining assemblies of Edward I's time let alone the reigns of his successors. The Lincoln Parliament unnerved Edward I by its insistence on making aid contingent upon royal confirmation and observance of the charters and, apparently persuaded him that it would be less troublesome and no less profitable to divert his attentions to those of his subjects who were engaged in the commerce of the Staple.[70] At all events, the writs of summons to the religious gradually diminishes from that time forward.

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[67] H. Chew, The English Ecclesiastical Tenants-in-Chief, (Oxford: Clarendon Press, 1932), pp. 170 seq.; Reich, Op. Cit., p. 359; Knowles, RO, II, 305; Pollard, Op. Cit., p. 9.

[68] R.A. Donkin, "Localisation, situation Economique et Role Parlementaire des Abbes Cisterciens Anglais (1295-1341), Revue d'Histoire Ecclesiastique, LII (1957),

To the two Parliaments of 1302 only fifteen White Monks were summoned, the same abbots doing service at both. The most striking feature about the composition of this contingent is that although only a fifth of the Order was called

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pp. 832-841.

[69] These figures are for the temporalities based on the *Taxatio* of 1291 and upon the list of English wool producers contained in Francesco Pegolotti, *La Practica della Mercatura*, ed. A. Evans, (Cambridge, Mass.: *Medieval* Academy of America, 1936), pp. 260-263. An older

the ratio between conventual wealth and the summons remains relatively high; more than a quarter of the temporalities were in their hands and a third of the wool crop was produced on their estates. The number and nature of the February 1305 assembly is the unique exception to the downward spiral. It is true that one notes a slightly larger number of representatives called to the Carlisle meeting than were summoned to Lincoln. This is counterbalanced by a tendency to convene only the wealthiest houses of the Order. Of the nineteen abbots cited during the years from 1307 to 1312 nine belonged to that select circle of thirteen which enjoyed temporal revenues in excess of £200 annually. Four others possessed incomes of between £150 and £200 from similar sources and the remainder counted only two with assets less than £38 by the year.[71] Furthermore, the sheepruns of these houses accounted for 40 percent of the wool clip and they reckoned in their ranks not only the largest single producer in the kingdom but also the top five growers in the Order. The Parliament of December of 1319 further restricted Cistercian representation. Only three abbots were summoned but they were the most

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edition of this list may be found in W. Cunningham, The Growth of English Industry and Commerce, 3 vols., (Cambridge: University Press, 1910), I, 628-641.

70. Knowles, RO, II, 305.

71. They were Combe (£12-6-8) and Newenham (£26-0-4).

influential and prosperous in the Order. Thereafter new norms decided the selection of parliamentary abbots and only seldom were Cistercians embraced therein.[72]

The Donkin thesis of geographic distribution rests on very shaky foundations. The assertion that the major centers of the Black and White monk populations lay on the southeast and northwest of a line drawn from Glastonbury to Peterborough cannot be denied. On the other hand it cannot, on the basis of the parliamentary writs, be claimed that the king discriminated against houses of either Order because they happened to be located on the side removed from their major settlements. For instance, ten of the eighteen Cistercian cloisters located in the southeast were summoned a minimum of five and a maximum of seven times in the reign of Edward I, a proportion which does not compare unfavourably with the general average of the whole Order. It need not be emphasized of course that this ratio does not hold during the period from 1307 through to 1322 when the Cistercian representation declined. Still more, apart from Sibton and Coggeshall, all of the wealthier communities in this region were summoned.[73]

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72. Reich, _Op_. _Cit_., p. 360
73. In the course of his argument Donkin resurrects the old belief that houses of royal foundation, in this instance the Cistercian establishments, were preferred when the writs of summons were despatched. On this see

Finally, it might be asked, how does one account for the rapid decline in Cistercian representation after 1306 ? In another place[74] we noted that the White Monk exemption had been abrogated insofar as papal income taxes were concerned and that a portion of the monies collected was given to the crown. From 1301 onward in fact the royal exchequer regularly received funds garnered from Cistercian communities. Thus a principal motive for the summoning of the religious to parliament was removed. Far from being aggrieved by this development the White Monks appear to have welcomed and even furthered it. This seems clear from the fact that more than half of the abbots summoned to the January Parliament of 1307 found some excuse to depute proctors to represent them.[75] The expense and inconvenience of attendance was, no doubt, one of the main contributing factors to the reticence of the Cistercians in being present although they cannot have been stimulated by the prospect that the king's purpose was further taxation. Doubtless too they felt more at ease in provincial clerical

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the observations of Knowles, RO, II, 306.

[74] supra, pp. 64-65.

[75] Rot. Parl. I, 190-191. It may well be that Edward I was influenced in his choice of summonees by the rather poor attendance records of his father's last convocations. The Cistercians were not alone in sending proctors. Note the work of E. Lowry, "Clerical Proctors in Parliament and Knights of the Shire," EHR, XLVIII (1933), pp. 443-455.

convocations even if they found less in the way of preferment.[76] By 1322 it had become clear indeed that the ratification of Convocation was necessary for all grants made by the clergy in parliament. Thus hardly a decade and a half later when a wool subsidy was granted to Edward III it was proclaimed that collections were to be made only from those who had been present for the vote. By that time only one Cistercian superior was still being called to national assemblies. When, therefore, Archbishop Stratford asserted that only those clerics who held of the king _per baroniam_ need be present in parliament, the abbot of Beaulieu immediately requested that he "be discharged from attendance" forasmuch as his abbey held its lands in frankalmoin. Upon payment of a fine of 10 marks this petition was granted.[77]

The Cistercian presence in parliament marks out a definite stage in the growth and refinement of that institution. Significantly too the White Monks were present when much of the legislation which concerned them so directly was enacted.

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76. Kirkstall and Rievaulx attended the northern convocation in 1312-1313. _Records of the Northern Convocations_, ed. W. Brown, _Publications of the Surtees Society_, CXIII, (1900), pp. 57-58. The exemption of the Order from episcopal control and attendance at local synods did not include meetings where matters of faith were discussed or when levies on parishes administered by the monks were considered.

77. _CPR_ (1340-1343), p. 243; _Lords Report_, IV, 533.

For parliament was, as Fleta observes, "where new remedies are established as new wrongs arise, and where justice is done to everyone according to his deserts."[78]

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[78] Fleta, eds. H.G. Richardson & G.O. Sayles, Publications of the Selden Society, No. 72 (London, 1955), Bk. 2, c.2, "De Differenciis Curiarum Regis," p. 109.

CHAPTER III

THE FIRST STATUTES OF WESTMINSTER AND THE CISTERCIAN ORDER

Royal legislators of uncommon brilliance studded the firmament of thirteenth century Europe and none shone more splendidly or constantly than Edward Longshanks. From 1275 to 1292 virtually every English year is punctuated by enactments which rehabilitate old laws, overcome knotty problems, suggest improvements and even establish new axioms. Not until the nineteenth century would the nation again witness such a burst of legislative activity. Maitland observed that the consequence of this ferment upon the common law was to cause it "to flow in unnatural artificial channels." Unenacted law was severely curtailed and the principle that all law or changes in the law could only be made with the consent of Parliament began to take root.

When considering the earliest pieces of parliamentary legislation two factors must be kept in mind; the conditions which necessitated their formulation and, the changing attitude to law. Nearly every clause contained in the Edwardian codifications finds its origin in some injustice, distress or deficiency. In turn, the fabrication and enforcement of so many enactments resulted in a silent revolution in the outlook of legislators and lawyers towards the law. Each element, moreover, shared the king's "thoughtful opportunism," the main intent of which was the exaltation of royal prerogatives.

Providentially, Edward's hunger for power never urged him to excess. His love of "decency and order" made him realize that the true interests of the Crown were identical with those of his subjects and, that even as he defended the rights of his people he enhanced the authority of his office. Nevertheless, the desire to be supreme in the realm constrained him to undertake a continuous war against the vested interests of his times not the least of which was the Church.

In his own way Edward was a pious and devoted son of the Church, disposed to respect her government in what he conceived to be her lawful sphere but resolved to define that pale as narrowly as circumstances permitted. To regulate his relations with her he followed the time honoured ploy of nominating loyal and trusted servants to vacant and prestigious ecclesiastical offices. Generally, his efforts in this direction were strikingly unsuccessful; twice he failed to intrude a favorite, Robert Burnell, into the see of Canterbury and, much later, he was scotched in an attempt to have him translated to Worcester. On the other hand, his ostentatious regard for his barons' legal rights, especially as they pertained to church institutions, secured the confidence of the magnates and won support for his ecclesiastical legislation. The prosperity which attended this line of approach was unqualified as can be seen from an analysis of the four major enactments of the reign which directly concern the monastic institute. This chapter will concern itself with the first and third of these laws insofar as they touched the world of the White Monks.

> On the quindene of Easter a famous and solemn Parliament was held at Westminster to which were convoked all the great men of the kingdom, lay and ecclesiastical. In it, as it was the first Parliament of his reign, the lord king was eager, as was fitting, to please the people and to revive and make effective the inoperative laws which had fallen into disuse because of the weakness of his predecessors, the turbulence of the kingdom as well as the abuse of evil men. He compiled, therefore, with the helpful advice of the faithful and legal experts of his realm, some new statutes which were not only in accord with the law but very necessary for the entire kingdom. These he promulgated and ordered to be observed and so won over the hearts of the people through the sincerity of his boundless love.

Thus does the Augustinian historian, Thomas Wykes report the aims, the means and the immediate consequences of the first piece of parliamentary legislation of the reign, a Statute known best to modern generations as Westminster I.[1]

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[1] AM, IV, 263

From the middle of October in the previous year until the last days of March commissioners of inquest had been hastily, although thoroughly and diligently, surveying the state of the realm. What their reports divulged both shocked and angered Edward.[2] This is patent from the clauses of the Statute which were, apparently, drafted with the records of the inquest close at hand.

Article one is directed against two special evils: first, the exploitation of monastic hospitality by the great and the consequent poverty of the religious houses and, second, the withdrawal of the customary alms to the destitute by religious establishments because of insolvency. To remedy these abuses it was provided that no person was to take food and shelter in any religious institution other than in one of his own foundation, unless at the express invitation of the superior; that no one was to visit or to take up lodging in any institution against the will of its members, even though it be at his own expense. It affirms, moreover, that it was not the king's intention to deny to the less fortunate members of society the grace of hospitality nor, at the same time, to permit patrons to overcharge their clients through heavy

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2. Powicke, The Thirteenth Century, p. 358 A wholesale overhauling of the administration began with this inquest.

and frequent visitations.[3]

The consequence of this enactment cannot be sufficiently stressed. It represents the first legislative undertaking by the Crown to regulate the relationship between patron and client as well as the inaugral venture to ensure the temporal prosperity of all religious establishments within the kingdom. It will be noted that no distinction is made between the exempt and the non exempt or between those of royal and those of baronial patronage; all alike are included in its sentences. This implies that abuse was widespread and poverty a commonplace. One student of the age has proposed that the inclusion of this clause resulted from the king's own recent

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3. "...quod les Abbeyes e les mesons de /religious/ ont este sorchargez e grave malement, par la venue des granz genz e autres /quod bien ne sofiseint a eaus meismes receivre/ par quei les religious sont issi abessez et empoverez quod eles ne pount sustenir eus meimes, ne la charge de la charite quod eles solient fere; pur ceo purveu est quod nuly vengne manger, herbiger ne gisir, en meson de religion de autri avuson quod de la sone, al cust de la meson, sil ne seit prie e requis especialment par la /goverur-governour/ de la meson avaunt qil ivenge; e quod nul, a ses custages demeine, /vengne gisir desoremes en meson de religion/ en contre la volente de la meson. Et par ces estatuz ne entent pas le Rey quod grace de /especialte/seit sostret a besoignus /e/ quod les avouwez des mesons /ne/puisent par lur venus sorkarker e destruere...Et ceaus quod vendront encontre les /estatuz-establissements/avauntdiz, a de ceo seient ateinz seient ajugez a la prison le Rey e de ileskes reinz solum la quantite e la manere del trespas, solum ceo quod le Rey /ov-en/sa Court verra

observations while staying at various abbeys after his return to England.[4] Whatever the immediate explanation, there is little doubt that the law considerably altered the relationship between the Crown and the members of Cîteaux' family. After 1275, whenever financial difficulties either endangered or promised to overwhelm an establishment, appeals for aid were made to the Crown thereby placing not only the appellant but the entire Order into a position of dependence.

As represented by Wykes the new law was "very necessary." Still a few modern scholars have urged that too much confidence should not be placed in the biased remarks of monastic chroniclers on the subject. They assert that the traditional views have been founded on gross exaggeration and that an analysis of the actual amounts disbursed for hospitality and almsgiving tell quite a different story. They claim that provision for the poor and the visitor never exceeded ten and was seldom more than three or four percent of the income of the ordinary community. In witness whereof they have placed in evidence gleanings from a few compoti, almoner's accounts and, to add emphasis, the odd reference to the criticism of

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quod bien seit. Statutes of the Realm, 11 vols., ed. A. Luders et al., (London: Record Commission, 1810-1828), I, 26-27.

[4] Powicke, The Thirteenth Century, p. 375. Edward was at Beaulieu between 24-28 January of that year. Appendix, "B".

contemporaries. While they have recognized the limitations imposed on their estimates by the fragmentary and censorious nature of much of the data they employ, they have signally failed to take into commensurate account the general agreement and admission by the king, his "council and...the archbishops, bishops, abbots, priors, earls, barons and the community of the land" that misuse was so common as to require official attention. So also they have given little attention to the correlation of demand and expenditure.[5]

Few chapters in the Holy Rule were more rigourously observed, more profoundly realized or more assiduously maintained by the White Monks than that which prescribed the conduct of monks towards visitors.[6] Few achieved and none surpassed the reputation they won in this work; well wishers

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5. R.H. Snape, English Monastic Finances in the Later Middle Ages, (Cambridge: University Press, 1926), pp. 111-118; G.G. Coulton, Five Centuries of Religion, 4 vols., (Cambridge: University Press, 1929-1950), III, 193-194, 207-208; R.A.R. Hartridge, A History of Vicarages in the Middle Ages, (Cambridge: University Press, 1930), pp. 66, 155-156. As late as 1376 the n nation in parliament demanded that this statute be confirmed especially in its clauses respecting religious institutions. Rot. Parl. II, 333, No. 68.

6. The Rule of St. Benedict, ed & trans. J. McCann, (London: Burns & Oates, 1951), c. liii, "De Hospitibus Suscipiendis," pp. 118-123; P. Delatte, The Rule of St. Benedict; a Commentary, trans. J. McCann, (London: Burns & Oates, 1950), pp. 330-342. A Norman recession of the Rule has been recently published by two

praised them unstintingly for it,[7] and, foes allowed that they were peerless in its performance. Even so severe a critic as Giraldus Cambrensis claimed that while they were guilty of greediness and extravagance, these defects arose out of their excessive zeal in promoting hospitality than from any evil intention.[8] Three centuries and more after Giraldus wrote, as dissolution drew nigh, the flame of their charity, although somewhat diminished, had not grown cold but continued to warm the hearts of those who were best able to appreciate it.[9] While the cost was immense, whether measured in terms of the outward and physical or in the context of their interior and

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English women. The Rule of St. Benedict, a Norman prose version, ed. R.J. Dean & M.D. Legge, (Oxford: Blackwell, 1964).

[7] Peter the Cantor, "Verbum Abbreviatum," c. lxxxvi, MPL, CCV, col. 257.

[8] Giraldus, IV, 120. He also attributes to the justiciar Ranulf Glanville the testimony that he had convicted no other order more frequently than the Cistercians for falsification of charters and seals as well as the changing of boundary stones. Ibid., IV, 244-245. Walter Map, De Nugis Curialium, (d. and trans. M.R. James, (London: Cymmrodorian Society, 1923), p. 52, refused even to admit this virtue among them: "First, they have their hands open to the poor; but very little open. They "dispense abroad" and give, but they do not refresh. Every man receives a little; and since they give neither in proportion to their own attendance nor to the need of the poor, it would seem that they give with their left hand, not their right...their gifts would never equal their thefts....Hospitable they may be to one another... but not unto us, O Lord, not unto us '.

[9] Note the citations in P. Hughes, The Reformation in England, 3 vols., (London: Hollis & Carter, 1952), I, 321 seq.

spiritual goals, a little on that score appears to have been taken into account.

From the Faringdon account book of the royal abbey at Beaulieu we learn that Cistercian custom in respect to wayfarers and the needy was clear and unequivocal.[10] In ordinary circumstances the kinfolk of community members were permitted to visit two or three times annually. During the first two days of their stay the abbey found them in food and drink but on the third shelter only, guests being responsible for their own victuals. Apart from those who might be stricken during a visit, only those who had received the abbot's sanction could prolong their stay beyond the stipulated time. All other visitors, whether princes of the realm, prelates of the church, peddlars or pilgrims, were maintained according to their rank: the quality and quantity of food and quarters being precisely determined for each. Adjacent to the hospice stood the secular infirmary supervised by an obedientiary. His tasks were to help in every needful way sick guests, injured employees as well as the infirm and decrepit retainers of the house. Special provisions ensuring the amount and sort of food, beer and even meat for use therein were made also. If, perchance, the administrations of the infirmarian were ended by death, other regulations stipulated the disposal of the decedent's clothing and possessions in addition to his burial.[11]

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[10] C.H. Talbot, "A Cistercian Account Book," _The Listener_, LIV (1955), p. 177-178. Part of the _regule compoti_ of Faringdon grange has been reproduced in N. Denholm-Young, _Seignorial Administration in England_, (New York: Barnes & Noble, 1964), pp. 169-176. For the provisions made in food, clothing and cheese for the poor who appeared before the gates of the Cistercian community at Holderness see, _Meaux_, II, 64-65. Scattered references to such outlays may be found in _LBVR_, p. 67; _seq_.

To the porter was assigned the care of the poor at the gates. Thrice each week he collected the scraps of bread and remnants from the refectory, the infirmaries and the abbot's table and distributed them among the luckless. Each evening he allowed thirteen of them to take shelter in the hospice and on the greater feast days one for every member of the community was given lodging. On Maundy Thursday he gave "to every man his penny." Only once in every year did the porter suspend his works to them. During harvest time only pilgrims, patriarchs and striplings were maintained, all others "in the sweat of their brows, they shall eat bread."

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11. Adam I of Waverley instituted the tradition at his community of the private mass for all strangers dying in the scholars infirmary on the day of or the morrow after their demise. AM, II, 305. The lay infirmary at Waverley appears to have been a large one. H. Brakspear, Waverley Abbey, (Guildford, 1905), pp. 15-16, and attached map. Fountains operated a hospital as well as a guest house. Monasticon, VI, 781; Tanner, p. 654

At this distance it is obviously impossible to discover accurately the numbers who availed themselves of claustral charity in the run of a year. Only now and then do we catch a glimpse of large numbers of poor begging for relief. Near the close of the twelfth century hundreds were driven to the gates of Fountains by reason of famine and plague. When the guest houses were filled to capacity the abbot caused tents to be pitched to accomodate the overflow. Barns and storehouses were thrown open for their provisioning and members of the community were appointed to attend to the bodily and spiritual comforts of the unfortunates.[12] There is every reason to believe that in times of great distress the religious communities of the realm were the principal relief agencies.[13] At Newminster one hundred of the impoverished received rations of two oatcakes and two herrings apiece in honour of St. Katherine.[14] (25 Nov.) Four different guest houses appear to have been operated by Cleeve abbey in

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[12] VCH (Yorkshire), III, 135; Meaux, II, 107.

[13] The tradition was an old one. In 1125 at Clairvaux, for instance, abbot Bernard and his colleagues fed as many as 2000 people a day during a famine which crippled Burgundy. MPL, CLXXXV, col. 543. A little more than a quarter of a century later the Scottish abbey at Melrose fulfilled the same function when the harvest failed. Melrose, s.a. 1154. Heisterbach likewise acted as a relief center in 1217.

[14] Chartularium Abbathiae de Novo Monasterio, ed. J.T. Fowler, Surtees Society Publications, LXVI (1878), p. 108.

Somerset; one for travelling Cistercians, one for religious of other orders, one for the poor and one for the wealthy.[15]

Sharing with the gyrovaging gentry and the great of the realm could be both rewarding and extremely expensive. When Earl Simon de Montfort and the lady Eleanor visited Waverley in April of 1245 they brought with them two sons, three maids-in-waiting and an undisclosed number of followers. In gratitude for the gracious hospitality accorded to her and her spouse "the sincere lover of our house" presented the community with a very precious altar cloth, 43 marks and assistance in acquiring a certain estate.[15] More often, however, little consideration was given by the great to the burdens that they and their retinues imposed. Abuse was prevalent and, if our Cistercian records are generally silent on the subject, there

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15. M.E.C. Walcott, *The Abbey of St. Mary in the Vale of Flowers, Cleeve*, (London: Royal Institute of British Architects, 1876), p. 121.

16. *AM*, II, 336. For other examples see *CPR*(1281-1292), p. 39, where a patroness abuses this hospitality. Special letters of royal protection guarding against abuse of this kind were given to Beaulieu, Wardon, *Ibid*.(1272-1281), pp. 154,305,and Garendon, *Ibid*.(1281-1292), p. 28. However, papal indults contravening both capitular decrees and royal guarantees are to be found sprinkled throughout contemporary records. Thus Queen Margaret of Scotland, Henry III's daughter, requested and received a pontifical rescript allowing her "with other women, to enter and receive hospitality in Cistercian abbeys and granges. *CPL*(1198-1304), p. 279. A similar privilege was given to William Grandisson's widow. *Ibid*.(1305-1342), p. 5. More striking is the general

is no reason to suppose that they were not exploited. Certainly the Crown used little discretion on occasion.

Royal visits to Cistercian cloisters were frequent occurences from the end of the Twelfth century. It will be recalled that Richard I held the first great council of his reign at Pipewell. The expense entailed in sheltering and provisioning the king, the court and the numerous summonees, not to mention their retainers, must surely have strained the resources of a community hardly two score years of age.[17] John

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faculty granted by Pope John XXII permitting three cardinals to issue licences to "four noblewomen accompanied by a retinue to enter Cistercian and other monasteries of England, Scotland, Ireland and Wales." Ibid. (1305-1342), p. 129.

17. On 15 September 1189, two days after his hallowing, king Richard opened the council in the abbey. Hoveden, III, 15-17; Gesta Regis Henrici Secundi Benedicti Abbatis, 2 vols., ed. W. Stubbs, Rolls Series, No. 49 (London, 1867), II, 85-87. Among those present were several heads of Cistercian communities. Ernald of Rievaulx, Everard of Holm Cultram and William of Mortemer are actually mentioned by name, Benedict, II, 79-80, but from the charter rolls we know that at least ten others were present. The abbots of Coggeshall, Fountains, Kirkstall, Merevale, Pipewell, Rufford, Stratford and Waverley obtained royal patents for their houses between the 13th and 24th of September dated at Geddington, one of Pipewell's manors. Flaxley and Swineshead received similar instruments on the 6th and 11th respectively and so it appears likely that their superiors attended all the state functions of that fortnight. Two others, Furness and Thame acquired like charters between 3 September and 11 December but their attendance is less probable. C.Ch.R. (1226-1257), pp. 18,397-399; (1257-1300), pp. 312,334,408, 430; (1300-1326), pp. 187,333,372,479; (1327-1341), pp.46, 135; (1341-1417), p. 66; CPR (1385-1389), p. 77; Mem. Fount.

"Softsword" was even less considerate. He stopped off at Margam on his way to and from the Irish expedition. It would, perhaps, be stretching the point to say that his entire host was maintained but the fact that the house was exempted from his great plundering of 1210 suggests that he may have partially appreciated the seriousness of the burden he had imposed by his lay overs.[18] Apart from his own foundation at Beaulieu Regis in the New Forest, which witnessed his comings and goings on at least three occasions, the monasteries of Croxden, Garendon, Margam, Swineshead and Waverley were afflicted by his presence and that of his aids at one time or another.[19] His son, weak, impolitic, but a pious and devoted visitor of nunneries and abbeys appeared at various houses of the Order although it seems that he did not give any special preference to Cistercian cloisters. His interest in Beaulieu however was constant. While still in wardship he stayed over at that house twice in 1223. In 1235 he appeared at the beginning and near the end of the year. In mid-June of 1246 he was present at the dedication of the abbey church.[20] It might

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II, p. 8; Coucher Book of Furness Abbey, 2 vols. in 6 pts., ed. J.C. Atkinson & J. Brownbull, Publications of Chetham Society, IX (1886), 129; Cart. Riev. pp.124,127.

[18] supra, pp. 15-16; O'Sullivan, Cistercian Settlements,64.

[19] AM, I, 30; IV, 59; Monasticon, V, 328,660; Rot. Claus. 9 John m.5

[20] Among the grievances of the venerable bishop of Lincoln

of course be argued that a house of royal foundation could expect such attentions. On the other hand one receives the distinct impression that more than mere hospitality was enjoyed. While on tour in 1235 to recruit the financial support of religious establishments Henry used monastic guest halls as places of assembly for "speech about his affairs" with all neighbouring abbots.[21] Often too he presumed upon his hosts for long periods of time. During the uneasy period of settlement after Evesham, to cite but one instance, he and his court retired to the abbey of Stratford Langthorne on the outskirts of London- whither had also repaired the cardinal legate Ottobuono - and made it his headquarters while negotiating with the rebels during the months of May and June of 1267.[22] His family also leaned heavily on the religious. When Prince Edward became slightly indisposed during a stay at Beaulieu, he remained there with his mother, Queen Eleanor and their servants for some three weeks.[23]

Conclusive evidence that large outlays were made in the

Robert Grosseteste, is that "dominus etiam rex frequenter circumiens per domos religiosas, hospitatur in eis earum sumptibus, eas quamplurimum gravando..." AM, I, 424; II, 237.

[21] Paris, Chron. Maj. IV, 182. The same monarch sent horses to be fed and stabled at Kingswood during the winter, months. CCR (1256-1259), p. 282.

[22] supra, pp. 47-48.

[23] AM, II, 237. cf. Appendix "B".

service of charity comes from the surviving account reports. Three abbeys, Beaulieu, Vale Royal and Meaux, are located in three widely differing areas of the land and, in respect to income, fall within the upper register. Their reports come from three distinct periods within the space of a century and a half. In the mid-thirteenth century Beaulieu reported that it spent almost £120 in one year on maintaining its hospice and, according to Talbot, this constituted about six times the amount laid out for the secular infirmary.[24] Assuming that the abbey had an income of £350 that year the amount spent on hospitality alone constitutes an expenditure of just over thirty-four percent, and, if one includes the outlay for the infirmary, it soars to over forty-one percent.[25] Near the beginning of Edward III's reign, abbot Robert Cheyneston (c.1335-1350) of Vale Royal claimed that his community spent £60 or about twenty-five percent of incomings of £248-17-0. As there is no mention of hospital expenses one may properly assume that the amount given embraces that item.[26] During the last decade of that century the chronicler of Meaux asserts that the

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24. Talbot, Op. Cit., p. 178.
25. This sum is only approximate and is calculated on the basis of the Taxatio of 1291 (£183-7-10) added to the proceeds from the sale of 15 sacks of first grade wool. (£161-11-0). Allowance has also been made for sundry other income.
26. LBVR, p. 162.

sum of £47-9-11½ or approximately thirteen percent of gross revenues was allocated to the chamber and guest hall.[27]

From these few facts it is clear that the White Monks reserved a sizeable portion of their incomes to the uses of charity. Equally evident is the fact that their generosity was misused by kings no less than by magnates. Westminster I did little to change matters. Rather, as our records become more continuous and detailed, the reports of misappropriation increase in number and variety.

While Edward I was not as ardent a visitor of religious enclosures as was his sire he nonetheless appreciated and enjoyed a quiet sojourn among them. One might interpret his week long visits at Beaulieu in this way.[28] At other times his visits were connected with more secular concerns. When the war with Llewelyn ap Gruffydd was begun he established operational headquarters at Basingwerk.[29] In the abbot's chamber there his captains received their instructions and his engineers went over their plans for Flint castle with him. At the outset of the new century he used Holm Cultram for the same purpose during several of his campaigns against the Scots. The abbey stood close by the port of Skinburness which the English were using as a staging area for their naval and ground forces. During the summer of 1299 Edward commanded his entire chancery to move to the abbey before 11 September.[30] Once settled there they were to convoke the justices of the perambulations to meet with "the earls, barons, and other great lords according to agreement." The activity in and around the house increased as the tempo of military preparations escalated. By October of 1300 the king had taken up residence in the abbot's lodge. There he released Robert Wishart (1273-1316) the bishop of Glasgow from his confinement and personally received his oath of allegiance in the presence of bishop John Halton of Carlisle (1292-1334), abbot Robert (c. 1290-1314), the envoys of king Philip of France and various other notables.[31] The demands of such a gathering were oppressive no doubt and were unfortunately added to through the zeal of the

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[27] Meaux, lxiv. These sums do not include the pittances established by the rich in most cloisters for poor relief. cf. Cart. Riev., p. 250.

[28] The king was at the abbey for the last few days of 1275; during 26-27 August of the next year, in October and November 1285 and from 6th to 10th September 1293.

[29] A. Jones, "Basingwerk Abbey," Historical Essays in

Honour of James Tait, (Manchester, 1933), pp. 169-178.

[30] C.Ch.W. (1292-1326), p. 114.

[31] Monasticon, V, 594; Foedera, I, 924. About this time bishop Wishart confirmed the appropriation of Kyrkewinni chapel by the monks although he did not omit to criticize indirectly their usurpation of churches and their expulsion of clergy and tenentry in the area. Register and Records of Holm Cultram, pp. 53-54, No.139. This subject is discussed at length infra, pp.191-220 Quite probably Holm Cultram's excuse was the usual one and it seems unlikely that Wishart was able to refuse.

sheriff. On 15 October appointed a commission of Oyer and Terminer to investigate a complaint by the abbot that sheriff William de Milecestre had caused no inconsiderable damage to his goods and chattels.[32] It appears that William, in the course of requisitioning supplies for the king's use, impounded the abbot's carts, oxen and supplies as they journied through Carlisle, confiscated oats at his grange of Alenburgh, sheep, horses and other beasts from the home farm, distrained and detained the property of his men and tenants, arrested them and released them only on payment of a 10/- fine, and when the abbot succeeded in obtaining a writ of replevin, Milecestre refused to honour it. Unfortunately the outcome of this petition has not survived.

The use of religious houses by the Crown as billets and rallying points in times of political conflict might bring destruction as well as expense. Shortly after Edward arrived at Basingwerk in 1277 he issued letters immunizing the crops and properties of the community against royal requisition and threw over its estates the mantle of his protection. Nevertheless, when the fighting ceased abbot Hugh came before the Justice of Chester and vehemently complained about the losses his house sustained at the hands of Basques, Gascons and Englishmen. Granges, crops and houses had been burned, animals, corn, money and lead had been purloined, timber had been felled and villeins had been kidnapped. Damages in the amount of £137 were claimed.[33] A like misfortune befell Byland and Rievaulx in the days of Edward of Caernarvon. In 1322 he determined to avenge the shattering defeat at Bannockburn by a new invasion. He summoned his Yorkshire levies to meet with him at Blackhow Moor by Rievaulx. While these were assembling he despatched a large contingent into Scotland to seek out the enemy but through lack of supplies and disease it was forced to retrun. A Scottish host under the Bruce shadowed the retreating force down the road to Northallerton. Edward was informed of the Scottish advance but "he neglected the warning," as the chronicler sharply remarks, "minding more his meat than the safety of his subjects or his honour." Eventually the two forces engaged at the foot of the

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[32] CPR(1292-1301), p. 554. The violence in the neighbourhood at this time was quite appalling. Between February and November 1300 the abbot of Holm Cultram requested writs of privy seal be directed to the sheriff and coroners of Cumberland, Nottingham and York relative to the deaths of four people, whether the abbot's tenants or servants is not made clear. C.Inq.M. I, Nos. 2384, 2386, 2390-2391. It would be wrong to think however that turbulance was confined to the north alone. The rolls are filled with similar commissions to all parts of the kingdom.

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[33] Jones, Op. Cit., p. 174; O'Sullivan, Op. Cit., p. 75. For earlier instances of royal reparations cf. CPR

Hambletons on 14 October. The English were quickly outflanked and fled in wild disorder to Byland with the Scots in hot pursuit. Edward, at table with abbot Walter Dickford, hastily took to horse to elude capture and did not stop until he reached York. The victors plundered both Byland and Rievaulx unmercifully; the monks were stripped of their clothing, the vestments and church plate were gathered up along with the jewels and monies Carnarvon abandoned, sheep flocks were driven off, outbuildings were burned and the granaries emptied.[34]

Whether in peace or war few guest masters seem to have been free of the attentions of royal officials for very long. They were of all ranks and qualities and their demands were, at times, quite considerable. Local agents appear to have been the most frequent and unrestrained guests. The earliest notice

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(1232-1247), p. 74 (Tintern and Wardon).

[34] John Fordun, Scotichronicon, 2 vols., ed. W. Goodall, (Edinburgh, 1759), II, 278; Meaux, II, 346; G.W.S. Barlow, Robert Bruce and the Community of the Realm of Scotland, (London: Eyre & Spottiswoode, 1965), pp. 345-346. Fordun claims that the English force burned the Augustinian house at Holyrood the Cistercian abbey of Melrose and the Premonstratensian foundation at Dryburgh. All three stood on the main axis of the English advance and retreat. Why Newbattle escapted destruction is impossible to ascertain but Jedburgh had elected a pro-English abbot, who fled with eleven of his canons when the Scots took Roxburgh castle. The exiles were given refuge at Thornton-on-Humber from 1314-1326. D.E. Easson, Medieval Religious Houses, Scotland, (London: Longmans, Green & Co., 1957), p. 77. The irony of this situation is that Rievaulx (mother) and Melrose (daughter) should

of them in Cistercian records dates to the years 1156-1159 when the colony at Radmore petitioned Henry II that they be permitted to move to his manor at Stoneleigh because they found "the foresters not only troublesome, but their frequent visits, somewhat burdensome also." The move was approved and they settled down in that part of the manor later called Cryfield grange. The new location was hardly better than the old inasmuch as it was too "near the public roadway" and so a second translation took place.[35] At Waverley, entertainment was owed to the royal foresters and regarders for lands held in Dokkenfeld, but only for one night whenever they came to take views. As well, they had to provide hay and oates for their horses to the value of 20/-.[36] Some difficulty was encountered trying to keep these men to the time stipulated and it is implied in another place that they contributed to the distress experienced by the community during the second quarter of the fourteenth century.[37] Abbey Dore was in such sad straits near the end of Henry III's reign that a royal writ had to be issued prohibiting "justices, sheriffs, foresters, verderers, bedels and other bailiffs /from/... dining, lodging

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both suffer from victor and vanquished.

[35] Monasticon, V, 443-444.

[36] Ibid., V, 237n

[37] CPR (1324-1327), p. 304.

or exacting anything from the said monks or their brethern unduly."[38] Grace Dieu, the runt of the Cistercian litter in the West, suffered so continuously and severely from royal minions stationed at the castle of St. Brevial that they were compelled to seek assistance from the Crown.[39] It is inconceivable that the king was unaware of the activities of his agents and, the clause empowering custodians to oust or bar any of his servants from monastic precincts during the period of wardship may be construed as an implicit recognition on the monarch's part that his officials were as much to be blamed for the plight of religious houses as any other factor.[40] In June of 1315 Edward II addressed the sheriff of York commanding him to proclaim the Statute of Westminster I "as the king learns from various petitions before him that men of religion are much oppressed by the taking of their corn, cattle and goods by the king's purveyors and others and by the frequent coming of the king"s magnates and ministers." All those, he

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38. CPR(1258-1266), p. 429.
39. O'Sullivan, Op. Cit., p. 84. The General Chapter took notice of Grace Dieu's condition by appointing the abbots of Tintern and Thame to investigate the causes for it. Statuta, III (1280:29).
40. "no sheriff, bailiff or minster of the king or another be lodged in the abbey or its granges during the said custody." CPR(1281-1292), p. 491; (1292-1301), p. 303; (1301-1307), p. 320. On the side of the religious the reality is more poignantly stated. cf. Statuta, III, (1291:61), (1297:19),

promises, who are in such manner oppressed and wishing to recover damages against offenders can come to chancery to be recompensed.[41] But however onerous and frequent this sort of abuse was the religious protested only very rarely. They understood that it was the impolitic thing to do, that failure to satisfy the caprices of such men could prejudice relations with the Crown. The monks at Meaux lost sight of the fact only once and they did not forget the consequences.

In the course of negotiations between the community and Edward I over Myton-on-Hull, it was agreed that the royal manors of Kayingham Mersk and Little Humber, *inter alia*, would be deeded to the abbey in compensation, all things being equal. A clerk from the royal household was despatched to survey the size and value of the manors. When he completed his task and began his return journey to court he stopped off at the abbey for Mass and refreshment. His request that Mass be celebrated was denied on the grounds that the communal offering had only just been made and that the custom of the house precluded the celebration of private Masses. Offended by the refusal and feeling that he had not been given entertainment commensurate to his dignity he left the house in

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42. *CCR* (1313-1318), p. 235.

great anger. When he made his report he represented the value of the estates as being far in excess of what was required in compensation. He then proceeded to point out certain irregularities he had noted among the monks in such terms that "he kept alienating the heart and generosity of the king completly from us."[42] Though this plaint smacks of exaggeration or possibly even invention it none the less expresses the monkish view that however unreasonable the demands made by such people diplomacy must be their chief and constant resort.

Monastic hospitality was also prostituted by Crown and functionary through the writ _de corrodio habendo_, which requested the abbot and monks that,

> they will grant, by their letters patent, to...(name), the bearer of these presents, whom the king has caused to be sent to them, for life, necessary victuals, suitable for his estate from their house, as he has well and faithfully served the king and his late consort and the king has not yet provided him with maintenance.[43]

As an institution the corrody seems to have endured a long and tortuous passage prior to its extension by Edward to houses of the Cistercian affiliation. In its primitive forms it appears as a sort of feudal relief granted by religious establishments to patrons. Gradually it came to serve a variety of purposes: as a consideration for land granted, as compensation for cash paid down, as a favour to a powerful friend or as a memorial to a much loved member of the community.[44] Inevitably, so much abuse crept in that capitular and episcopal legislation was deemed imperative if the cloisters were to be preserved from spoiliation.[45] White Monk records about the corrody are scarce although there is just sufficient information extant to show that the first fathers in England were engaged in its commerce. About the year 1147, for intance, the Lincolnshire abbey of Vaudey issued to Geoffrey Brachecurt and his wife food and clothing of the same quality as that provided the monks in return for a quittance of their claim in a certain farm.[46] At about the same time the community at Rievaulx secured to its swineherd and his spouse a liberal corrody because of good and faithful service.[47] At the end of the twelfth century abbot Reginald of Garendon (1194-1196) was assassinated by a Jewish convert who held a corrody in the house.[48] Much later, king Richard II, conceded that neither

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[42] _Meaux_, II, 191.

[43] _CCR_(1288-1296), p. 506; A. FitzHerbert, _The New Natura Brevium_, 2 vols., (London, 1794), 230 A-F. He distinguishes six forms of this writ. Most of them differ only in that they confer different rights or interests.

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[44] The best and most judicious work done yet on the corrody is the little known doctoral dissertation of H.M. Stuckert, *Corrodies in the English monasteries: a study in English social history of the middle ages*, (Philadelphia: University of Pennsylvania Press, 1923). Prof. A. H. Thompson has printed a very detailed corrody and briefly outlined the main features of the institution in "A Corrody from a Leicester Abbey," *Transactions of the Leicester Archaelogical Society*, XIV (1925), p. 114. A much less dispassionate view is that of G.G. Coulton, *Five Centuries*, III, 240-247, and Snape, *Op. Cit.*, pp. 139-147; cf. also Hartridge, *Op. Cit.*, p. 7 *passim*. Not all corrodies fall within these classifications. Thus Edward II requested the abbot and convent of Tintern to provide for one William Bloomfield, a monk of Holm Cultram, who would remain with them until such time as that abbey "shall be relieved from its oppressions," because the possessions of the house "have been so wasted by the invasions of the Scotch rebels." *CCR*(1318-1323), p.208.

[45] The Black Monk General Chapter held at Oxford in 1219 formulated a statute which prohibited the granting of corrodies unless the chapter of the house had given its assent. Two years later, a similar enactment was passed by the monks of the York General Chapter. In 1249, 1277 and in 1287 the same issue was raised, the legislation of the latter year forbidding monastic *obedienciarii* from selling corrodies unless the abbot and convent had given their permission. *Documents Illustrating the Activities of the General and Provincial Chapters of the*

English Black Monks, 1215-1540, ed. W.A. Pantin, Camden Society, Nos. XLV, XLVII, LIV, (London, 1931-1937),XLV, 9,35,64,255; XLVII, 83. The provincial synod held by Archbishop Stephen Langton at Osney abbey outside Oxford in 1222 banned the granting of corrodies with the diocesan's licence while the legislation of Cardinal Ottobuono reaffirmed Stephen's injunctions and added the penalty of excommunication for all offenders. Councils & Synods with other documents relating to the English Church, 1205-1313, eds. F.M. Powicke and C.R. Cheney, (Oxford: Clarendon Press, 1964), II, pt. I,129, (41); pt. II, 788 (48). The English situation was not unique, for similar tendencies on the continent see, The Register of Eudes of Rouen, ed. & trans. S.M. Brown and J.F. O'Sullivan, (New York: Columbia Records of Civilization, 1964), pp.46,54-55,61,80

[46] Monasticon, V, 490. Much later the evidence for the sale of corrodies increases. See for example Meaux's transactions. Meaux, III, 4,77,80,85,151,173,227,245-246; BM Egerton, 1141, fols. 179r - 180r lists fifteen persons.

[47] Cart. Riev., p. 355.

he nor any of his successors would demand them of Furness.[49]

By virtue of his patronal status in many houses, the king was able to oblige his clients to grant certain allowances in support of his former servants. Moreover, he asserted the right of presenting corrodians in vacant houses when they were not of his patronage.[50] Official sources disclose that only two Cistercian establishments were imposed upon in this way by the crown before the year 1296. During the last January and April of his reign Henry III requested Stanley and Woburn to take in and keep his former servants, Stephen Pertiche and William Blacksmith respectively. It is clear from the letters that the requests were beyond the ordinary for Stanley issued its grant only on condition that it would not be used as a precedent while the same boon had been asked of the Monks at Woburn on several previous occasions and had been denied until some assurance had been given that it would not prejudice the house so long as William lived.[51] A regular series of such writs directed to White Monk cloisters begins in the Letters Close only in 1296. Both the date and the

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48. Monasticon, V, 329.
[49] CBF, p. 177 No. 66
[50] Stuckert, Op. Cit., p. 21; C.Inq.M. I, No. 1550. Vale Royal provided a corrody in return for warden services in their parks. LBVR, pp. 159-160.
[51] CPR(1266-1272), pp. 507, 695.

recipient are significant.

Edward was about to set out on an expedition which, by the end of the year, would have Scotland on her knees; a Gascon host had been recruited, equipped and despatched under the leadership of the earls of Lancaster and Lincoln, but, Parliament had voted supplies insufficient for the underpinning of these projects. Economies must needs be practiced if the requirements of war were to be met.[52] The most obvious and approachable measure was to pare down the sums laid out for the support of superannuated retainers. In part, this could be achieved by making a greater use of the corrody in those institutions wherein royal patronage was exercized. Concurrently, by bringing the White Monks still further within the scope of the traditional form of patronage royal finance would be improved and another step in the divestment of Cistercian exemption would have been taken. Besides, by thrusting the first corrodian upon the senior cloister of the Order he declared to all the future course of his policy.

For the most part, modern commentators agree that it is impossible to construct a complete list of royal corrodians in monastic inclosures from the Close and Patent Letters.[53]

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[52] T.F.T. Tout, Chapters in the Administrative History of Medieval England, 6 vols., (Manchester: University Press, 1937), II, 85-130.

While this observation is accurate technically, two modifiers should be entered. First, although it is true that the thirteenth century rolls are marred by many omissions, those of the next century - the golden age of the royal corrodian - contain a near perfect registration. Second, in view of the tardy extention of the system to the White Monks, the deficiencies of the earlier records affect only slightly the number and variety of the corrody writs directed to their foundations.

Letters Close disclose that Edward I demanded three corrodies from two cloisters between 1296 and 1300 and thirteen of nine others in the period from 1301 to 1307. The second Edward continued and intensified royal use of the institution, some forty-eight of his nominees being maintained by Cistercian affiliates in a score of years. The reign of Edward of Windsor witnesses a slight abatement, a total of eighty-eight writs being honoured in half a century. Finally, the last of the Plantagenets, Richard II, sent out only twenty-eight of his retainers to their houses in two decades.[54]

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53. Stuckert, Op. Cit., p. 23; Reich, Op. Cit., p. 311; Coulton, Op. Cit., III, 241-242.

54. Wood, English Monasteries and their patrons, p. 108, claims that the Cistercians "escaped the regular consequences of having a patron.../but/ were liable to these occasional requests." Miss Wood's view of the patron-Cistercian relationship is a static one, especially as they involved the extension of royal control. In no way can more than a hundred corrodies be regarded

By the end of the century the increasing resistance of the religious to this form of exploitation constrained the Crown to revert to its initial policy of direct pensions and county alms.[55]

Resistance to such demands by the Cistercian communities was, as previously stated, quite determined and, until the last year of Henry III's government, narrowly successful. Thereafter, down to the opening years of his grandson's reign, no record of opposition on the part of the White Monks to the system exists. One is hard pressed to explain this inactivity unless in terms of a possible loss of royal favour, fear of expense incurred from legal action, dependence upon the

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as "occasional." It is a fact, moreover, that the seven White Monk houses of royal patronage took in hardly thirteen percent of all the corrodians sent to the Order. According to the Book of the Exchequer, the king possessed one corrody in each of the following houses, Bordesley, Buckfast, Combe, Forde, Netley, Stoneleigh, Stratford, Thame, Vale Royal, Waverley and Wardon. As well, he had one corrody and one pension in each of the following cloisters, Cleeve, Beaulieu, Merevale and Pipewell. Cited in FitzHerbert, New Natura Brevium, 230H. Apart from Tintern none of the Welsh or Marcher communities took in royal corrodians, eleven institutions all together. Nineteen English houses are not recorded as having been sent pensioners, namely, Biddlesden, Boxley, Buckland, Calder, Cleeve, Dore, Dunkeswell, Holm Cultram, Jervaulx, Kingswood, Medmenham, Merevale, Newenham, Newminster, Rievaulx, Sibton, Swineshead and Tilty.

55. M.C. Hill, The King's Messengers, 1199-1377, (London: Edward Arnold, 1961), pp. 62-68, 80-81. For a complete listing of the corrodians sent to the Cistercian houses in the period under discussion vide, Appendix "C"

efficacy of statute legislation prohibiting corrody abuse or, simple timidity in the face of royal resolution. Whatever the answer, it is certain that from 1329 onward Cistercian establishments were actively engaged in either ending or curbing royal impositions of this type.[56] Opposition manifested itself in two ways, neither of which was totally unconnected with the other. The most frequent was the _quid_ _pro_ _quo_ arrangement which, on occasion, led to the other, the test case action. Fountain's corrody to the royal envoy, John de Waltham is illustrative of the first method. In return for the grant of maintenance to John the abbey wrung from the king the concession that it "shall not prejudice them nor be drawn into a precedent."[57] Whether because of a poor memory or mere caprice Edward III demanded another corrody of the community a little more than a decade later. Patrick "le Messager" was sent to the abbey at the end of August 1342, and a lifetime corrody was given by the abbey on the same condition as stipulated in the Waltham grant.[58] Royal memory had not improved by 1353 for we find John de Cherteseye armed with a writ allowing him to enjoy "such sustenance in their house as John de Waltham had had at his (the king's) request. The Monks refused

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56. _CCR_(1327-1330), l _passim_.
57. _CPR_(1327-1330), p. 473.
58. _Ibid_.(1340-1343), p. 504.

to entertain the demand whereupon a search was made by royal officials to ascertain whether certain claims made by the abbot in the name of the community were legitimate. Chancery and Exchequer rolls revealed that the abbey not only did not hold its lands in chief but that it was not of royal foundation and that the monarch never had the right to claim corrodies.[59] Despite these clarifications however demands of maintenance continued to be made of the abbey.[60] Similar "non-prejudicial" clauses are to be found in royal instruments issued to the monasteries of Robertsbridge, Stanley and Wardon.[61] But, these, like the concessions to Fountains, were abrogated whenever the king found it to his advantage.[62]

Of the test cases touching the corrody the most detailed and interesting features Waverley as the applicant.[63]

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[59] CPR(1350-1354), p. 479.

[60] CCR(1354-1360), p. 242; (1374-1377), p. 252.

[61] CPR(1348-1350), p. 201; CCR(1333-1337), p. 487; CPR (1334-1338), p. 55. Bordesley received a similar promise in October of 1336. CPR(1334-1338), p. 326. Sometimes exemptions from the corrody were granted in consideration of some work or expense undertaken by an abbot in the service of the crown. Note particularly the case of Dore. CPR(1327-1330), p. 514.

[62] CCR(1341-1343), p. 701; (1343-1346), p. 420; (1329-1354), p. 76; (1354-1360), p. 240; (1364-1368), p. 373; (1385-1389), p. 606; (1392-1396), p. 109.

[63] CPR(1340-1343), p. 293. The total number of such test cases is not great. It seems clear that if the whole problem of corrodies and corrodians had been threshed out by the monks they could easily have withstood such royal demands on the simple grounds of their tenure by

According to the Surrey court record Robert of Lincoln, advocate for the Crown, charged that abbot Robert (c.1325-1343) refused, on the 20th day of May 1340, in the presence of John Jolyt and Robert Serjeant, to pay heed to a writ de corrodio habendo of a royal yeoman, Walter Denham, "to such sustenance as Walter Mantel, deceased, had in the abbey at the request of Edward II;" he further charged that a second and a third writ were delivered before witnesses but were not acted upon and that the last writ stipulated that if the abbot failed to comply he was to appear before the royal justices and answer for his contempts; that the abbot failed to present himself and neglected to return the writ. He claimed, moreover, that in the time of abbot Philip (1285-c.1314) William Basyngstoke was given maintenance at the command of Edward I and that the late Walter Mantel, was granted the same on a writ of king Edward II. In view of all these contempts the king claimed damages to the extent of 1000 marks.

Counsel for the abbot, Humphrey Menve, countercharged that no such writs were served; that the abbey was founded not by the king but by bishop William Giffard upon lands granted in free alms to the monks of Cîteaux with the consent of king Henry I and the Cathedral chapter of Winchester; that

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frankalmoin; the mortmain suits prove that.

subsequently other monarchs, Stephen, John and Edward II, and other bishops, Henry of Blois, Peter des Roches and John of Pontoise granted and confirmed these and other lands; that the said William Basyngstoke was not admitted by the order of Edward I but at the specific request of Edward II and not "by title of right." In proof thereof various charters and royal letters of privy seal were produced and the abbot prayed judgement.[64] Counsel for the Crown requested a respite until other evidence for the king's right could be obtained. After two postponements the suit was reopened before the king at Westminster, where, because "the said John and the said Walter ...having nothing to say to maintain the king's right in his behalf...the abbot may go without day." A few years earlier a like process engaged the abbot of Stoneleigh.[65] In that action royal letters patent absolving the abbey from providing such

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64. The charters are printed in Monasticon, V, 241 Nos. 2-3; Boxley was hailed before Geoffrey le Scrope and his fellows in King's Bench to answer for a similar refusal. The abbot proved to the court's satisfaction that he was not liable to provide such maintanance. CPR(1330-1334), p. 190. There is no record of any later writs directed to the house in the fourteenth century. When Coggeshall attempted to renege on a committment made to the king, a writ ordered the abbey to abide by its undertaking or else "the king will cause their temporalities to be seized into his hands and themselves punished for contempt." CCR(1360-1364), p. 407.

65. CPR(1334-1338), p. 328 dated 22 Oct. 1332 at York. CPR (1330-1334), p. 345.

sustenance forever were sufficient to result in a judgement for the community.[66]

The usual recourse of those who did not resist was to formulate a document in which the terms of the corrody were precisely stipulated.[67] From the beginning the Crown apparently encouraged the development of such devices inasmuch as the writs commonly contain the demand that "they /the community/ will cause letters patent to be made under the common seal of the house granting the same to him /the corrodian/."[68] These instruments might well be described as letters promissory and from the crown's point of view were the means by which the rights of the corrodians were protected. Equally, they secured the abbey from any unauthorized charges by a factious or greedy pensioner. The form of the letter became fixed at a very early period but the contents naturally varied according to the requirements of the writ or the rank and status of the recipient. An instance of the former can be observed in the writ given to John Daash who was sent off to Bindon at the end of 1309.[69] A clause in the writ he bore demanded "for life the necessaries of life in food and clothing according to the requirements of his estate, and to have a chamber to reside in within the abbey enclosure." There is no intimation as to his rank or station only the pat formula that he has "long served the late king." It might be supposed that is such cases as this only the bare corrody was to be given. In many other instances we are left in no doubt as to the rank of the corrodian although it should be noted that as far as can be ascertained few royal corrodians belonged to any rank above that of the lowest class of servant.[70] Sometimes a corrodian enjoyed enough status to enable him to keep servants even during retirement. When Master John Sutton, the royal cook, was superannuated by Edward II Stratford abbey was asked to admit him, his two grooms and their horses.[71]

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[66] CPR (1334-1338), p. 328.

[67] LBVR, pp. lxviii, lxxiv; Monasticon, V, 490 No. 2

[68] CCR (1307-1313), p. 116; (1313-1318), 192, 318; (1323-1327), p. 494.

[69] Ibid. (1307-1313), p. 239

Clearly, the number, the variety and the value of the corrodies provided by the Cistercian family for the Crown makes it impossible to assess accurately the total fiscal burden imposed. Even so, a general idea can be gained by calculating the annual value of a simple royal corrody in terms of present day currencies. It has been shown that the average value of the royal corrody was about £4-6-0 in the time of Edward II. On the ratio of 1 d. equalling $1.25 the corrodian received shetter and sustenance to the value of $103.17 monthly or $1,237,50 by the year.[72] Over short terms, corrodies of such value would not overburden a financially sound institution. And it is a fact that the royal corrodian was often "so broken by age and infirmity that he is unable to serve the king any longer", thereby forcasting an early demise and a limited liability.[73] It is no less certain, on the other hand, that the phrase "for life" could mean ten, twenty or more years, thus necessitating a large cumulative outlay.[74] Moreover, the Crown did not confine itself to but one corrody per

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[70] The most obvious exceptions were Richard Frere whom Edward III sent to Whalley in April of 1339. He is described as one of the king's courtiers who had been in the royal service since the time of Edward I. CCR(1339-1341), p. 107; Petronilla Pagham, a maid-in-waiting to Lady Elizabeth de Clare, the first wife of Prince Lionel, Edward III's third son, was sent to Beaulieu in 1351. CCR(1349-1354), p. 352. No other persons of quality appear as corrodians in Cistercian communities. It was otherwise with the Benedictines and Augustinians.

[71] CCR(1313-1318), 460. For other instances of this sort cf. Ibid.(1307-1313), pp. 248, 257, 548.

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72. Coulton, Five Centuries, III, 246 quoting Willard in the Somerset Record Society, Collectanea, I (1924), 22 seq.

73. CCR(1296-1302), p. 597. Similar observations are to be found in Ibid.(1302-1307), pp. 77 (Furness); (1313-1318), p. 447 (Fountains later Robertsbridge). Badly injured retainers were sent to abbeys where medical attention was given as well as the corrody. Ibid.(1323-1327), p. 494. Several temporary corrodies were given as well. Vide, CCR(1292-1301), p. 188; (1318-1323), pp. 116-117; (1374-1377), p. 260.

74. Thomas Lyon was at Byland for thirteen years. CCR(1313-1318), p. 431;(1327-1330), p. 587; Walter Ewer went to Coggeshall in June 1312 and died early in 1329. Ibid. (1307-1313), p. 461; (1327-1330), p. 527.

house; dual corrodies were common, three or more not unknown.[75] In the long term then more than one corrody would represent a considerable expenditure and, while not terribly onerous for a wealthy establishment, a cause of irritation. For cloisters in straitened circumstances the imposition of a corrody could entail a real hardship. Cistercian communities there were whose very existence was placed in jeopardy by the system, a condition attested to by various writs. When Bordesley was taken into custody by Edward III in the last half of the century it was asserted that the monastery "is so miserably depressed and burdened by excessive corrodies and debts that divine service and alms and other pious works are withdrawn..."[76] No record exists as to how many corrodians were found therein but it is certain that at least one was a royal appointee.[77] Nor is it indicated whether he or the others were deprived, the command to the custodian that he "stop all corrodies, farms and other charges" notwithstanding. We cannot be sure that they were ousted in view of the royal patents which were issued in which corrodies and leases were confirmed in similar circumstances on other occasions.[78] Indeed expediency may well have dictated that the corrodies of all baronial and episcopal patrons be respected forasmuch as those of royal origin were often illegal and always numerous and ubiquitous.

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[75] The brothers Bosdoun, John and William, were favoured with such a writ served on Bordesley. CCR(1389-1392), p. 191.

[76] CPR(1364-1367), p. 245. On the same day the Hervy-Golofer commission went to Bruern on the same pretext. Ibid. (1364-1367), p. 244.

[77] CPR(1334-1338), p. 326.

Our knowledge of the nominations of corrodians in Cistercian foundations by their historic and legal patrons is much less complete than for those made by the Crown. The few reports we do possess are generally unfavourable and show the White Monks manfully defending their houses from such impositions. During the last decades of the thirteenth and the first years of the fourteenth centuries Hugh (1) Courtney and his son and namesake plundered the estates and chattels of their clients, the abbot and monks of Forde, because various requests, among them maintenance for two grooms, their horses and a dog, were refused.[79] At about the same time the abbey of Pipewell was engaged in a similar fray with its patron, Robert Boutevileyn, who claimed four "bleedings" a year, a winter cloak and maintenance for one of his horses and a dog.[80] Probably the White Monks were not so much averse to granting simple corrodies to patrons as they were to what could at worst be regarded as

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78. CPR(1364-1367), p. 178.
79. Monasticon, V, 380.
80. Ibid., V, 437. It was at Pipewell also that a pension and a corrody was made for a fiscal benefit. Ibid, V, 433.

outright exploitation, at best the exaction of secular service. From the patrons point of view such demands were not looked upon as unjust or excessive. This seems clear from a remark of Hugh de Nonant, bishop of Coventry and Litchfield (1185-1198), who, upon donating a tenement to the community at Buildwas, avered that he could " and should go to those brothers whenever I desire..."[81] Little wonder that the monastic and religious institutions joined in condemning the system and its abuses.

It has generally been assumed that Westminster I was meant to inhibit the use of corrodies as well as the more direct and overt forms of exploitation.[82] Still it is not until 1314-1315 that the term corrody is specifically mentioned in statute law. Chapter XI of the Articuli Cleri requested that "the lord king and the great men of the realm do not charge religious houses or spiritual persons for corrodies, pensions ..."[83] In reply the king conceded that "from henceforth they

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81. Monasticon, V, 359.
82. Stuckert, Op. Cit., p. 22; K. Wood-Legh, Studies in Church Life in England under Edward III, (Cambridge: University Press, 1934), p. 8.
83. "Item petitur quod dominus Rex et regni Magnates, non onerent domos religiosas, vel ecclesiasticas personas, pro Carrodiis, pensionibus, vel perhendinacionibus faciendis in domibus religiosis et aliis locis ecclesiasticis, carectis equis sibi mittendis, cum per hoc predicte domus depauperentur, cultusque divinis in hac parte diminuatur, propter hujusmodi onera compelluntur

shall not be unduly charged." Refuge could, of course, be taken behind the phrase "unduly charged" as a blind for future requisitioning, but, in the practice of the day usually only one corrody was exacted at any one time. Thus two or more could, under the terms of the law, constitute an undue charge. And the record shows that the monks were unduly charged, more than half of Edward's de corrodio writs to the Cistercians being issued after the statute was placed on the books.[84] This fact doubtless accounts for the promise extorted from Edward III at his accession that "from henceforth he will no more such things desire but where he ought."[85] From that point forward only moderate demands were made by the crown with the

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sepissime presbiteri, et alii ministri ecclesiastici, divinis officiis deputati, a locis recedere supradictis. Responsio: Placet domino regni quod super contentis in petitione decetero indebite non onerentus. Et si per magnates aut alios contra fiat, habeant inde remedium juxta formam statutorum, tempere domini E. regis patris regis nunc, editorum. Et fiat consimile remedium de carrodiis et pensionibus per cohercionem exactis, de quibus non fit mencio in statutis."

[84] cf. Appendix "C"

[85] Et pur ce que Erceveques, Eveques, Abbees, Prious, Dames de religion et autres sunt este avant ces houres quandement grevez par prieus des Roys, que gandes manaces pour lour Clerks et autres lor unt prie par grosses empensions, provendes, Eglises et Carodies, isint qils ne poent rien doner ne faire a ceux que lour avoient servi, ne a lor amys, a quant charge et damage de eux: Le Roi ne voet desore prier, mes la ou il devera. Statutes of the Realm, I, 256. No further mention is made about corrodies in the statutes during the remainder of this century.

result that the numbers of corrodies were very considerably reduced by the opening of the fifteenth century.[86]

While the king's left hand rifled the resources of the White Monks by way of courtesy, direct imposition, extensive use of their guest house facilities and the corrody system, his right hand continued to engrave laws which ostensibly protected their substance but which all the while brought them ever deeper into the ambit of royal control. Ten years after Westminster I the second statute of that name was promulgated, chapter forty-one of which provided for the escheatment of properties alienated by houses of royal foundation, and , assigned the writ, praecipe tali abbati, to other founders who wished to recover lands conveyed by their clients.[87] The meaning of this enactment is unmistakable; patrons

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86. Knowles, RO, III, 267.
87. Statuit Dominus Rex quod si abbates, priores, custodes Hospitarum, et aliarum domorum religiosarum, fundatarum ab ipso vel a progenitoribus suis /alienavit-alienaverint/ decetero tenementum domibus ipsis ab ipso vel a progenitoribus suis collata, tenementa illa in manum Domini Regis capiantur et ad voluntatem suam teneantur, et emptor amittat suum recuperare tam de tenementum quam de pecunia quam pacavit. Si autem domus illa a Comitibus, Baronibus, vel aliis fundata fuerit, de recuperandum tenementum illud in dominico, quod tale est;.. Statutes of the Realm, I, 91b An earlier law (statute of Marlborough) allowed for the initiation of court action by a writ called sine assensu capituli for recovering property alienated during a vacancy or lost by a predecessor. This statute was meant to broaden the basis of recovery.

will henceforth have the right to interfere in the affairs of dependents whenever they feel that the spiritual services owed them are endangered through misappropriation or fraud.[88] Forasmuch as the crown was already asserting the notion of its superior patronal claims, Westminster II can rightly be conceived of as a device engineered to regularize a practice which, since the time of Henry III, had become increasingly pronounced, to wit, the supervision of the material concerns of impoverished cloisters.

The evidence for direct royal intervention into the operations of Cistercian foundations before Edward I's reign is so scarce and so vague that it does not allow of any firm conclusions. It cannot be said with any certainty, for example, that Henry III's licence to Furness allowing the monks to impose a fortieth on all the movables of their tenants arose more out of a wish to help in time of temporary trouble than from a desire to compensate for the frequent calls to

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88. Already the Statute of Gloucester (1278) provided the means whereby a lord could recover in demesne the lands of a tenant who had failed to render the services due for a period of two years or more. Actions of this sort were begun by a writ _cessavit per biennium_. The abbot of Swineshead sued William and his wife Alice for the neglect of services through this remedy. _Year Books 11-12 Edward III_, ed. A.J. Horwood, _Rolls Series_, No. 31 (London, 1883), pp. 196-198. Although the writ could be used by a patron against a clients alienation I have been unable to locate any such suits involving houses

service.[89] Equally inconclusive are the many letters of protection issued to houses in times of severe financial distress; although these are sure sparkles of interest, it is impossible to predicate of them anything more than the hope that internal difficulties might be eased thereby.[90] The first solid ground is reached in the question of the writ for the arrest of the runaway abbot of Bordesley, Ralph Bittlesden. The conventual

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of the order.

89. CSHR, II, 571. One might justifiably view Richard I's absolution of the major portion of the Cistercian debt to Aaron, in such a light. supra, p. 6 n10. After the publication of the interdict in 1208 king John ordered four men from each village to assess and set aside estovers or a reasonable maintenance for the clergy, secular and regular, from the income of their institutions and confiscate the remainder for the crown. According to the chronicler at Meaux, royal officials were stationed at the gate of each house and so the monks could "neither come or go, nor can we remove anything; while daily our substance is dragged off and we are impoverished." Meaux, I, 328. John was deemed a tyrannt but the manner in which confiscation was organized is revealing. On the other hand in the days of Henry III (1260) when Netley abbey was vacant the royal escheator attempted to take over the administration but the protest was entered and the officials were withdrawn. The prominance of local men in such interventions suggests great respect for local susceptiabilities. CCR(1259-1261), p. 24.

90. AM, III, 140; CPR(1232-1247), p. 106; Meaux, II, 91,300. The General Chapter was always interested in the fiscal condition of its members. On five occasions between 1157 and 1233 the abbots of the mother houses were exhorted to include an audit while making their annual visitations. Statuta, I, (1157:48)(1175:25)(1181:6) (1190:13) (1233:9). These commands were in response to the widespread and frequent requests from indigent communities for assistance. The first prohibition against

seal had been taken by the fugitive and was being used to contract impossible engagements. Local officials were apprised of the importance of his apprehension and, significantly were ordered to render "counsel and aid" to the distracted monks.[91] Our records do not indicate what advice was given or the sort of assistance received on that occasion. Shortly, however, Westminster I was in the process of formulation and with it we catch our first glimpse of the manner in which "counsel and aid" was rendered by the Crown. On the first monday in February 1275 the earl of Warwick, William Beauchamp, was delegated to supervise the temporal administration of Bordesley due to its indebtedness and, on the friday following, Henry de Monteforte received a similar commission to Bindon.[92]

Roughly thirty percent of all the Cistercian establishments were assigned commissioners in the four score and eleven years following the first recorded appointments.[93] The houses of Waverley's affilation laid up the worst record in this

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rising deficits occurs in (1182:9). This was reiterated twice during the next century. (1229:1)(1268:10). Recruitment was banned if the debt of a foundation exceeded 100 marks. (1224:5).

[91] CPR(1247-1258), p. 565. Letters were also sent out to the foreign merchants in London warning them that if they made any financial engagements with Ralph it would be at their own risk. Ibid.(1247-1258), p. 591.

[92] CPR(1272-1281), pp. 78-79.

[93] cf. Appendix "D"

respect; beside the mother house, two daughters, three granddaughters and all the great granddaughters came under the temporary management of court guardians. Then, Savigny's children were the next most often regulated although Fountain's colonies were administered almost as frequently. Of Rievaulx's family only the mother house was ministered to while among Beaulieu's brood none save Netley required such attention.[94] Three families, those of Whitland, Tintern and Dore, were able to carry on even in the most difficult circumstances without outside assistance. At least seven of the commissions sent to these cloisters resulted from a formal request by the abbot and community for aid. In two other instances the crown acted on the plea of the patron.[95] Who or what prompted the crown to intervene in all the other cases is not recorded. Yet it is undeniable that the king's expressed intention of assuring the continuance of those good works established for the spiritual welfare of the king, his family, the souls of his progenitors and successors was simply the pretext to establish his right of intervention in the domestic affairs of all the abbeys of his kingdom.

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[94] CPR(1272-1281), p. 152; (1327-1330), p. 302.

[95] Ibid.(1281-1292), pp. 294,491; (1292-1301), p. 303; (1301-1307), p. 229; (1348-1350), p. 445; C.Chan.W.(1244-1326), p. 163. Abbey Bindon was taken into custody because its superior had committed a felony. Its goods were assessed and delivered into the safe keeping of the mother house. CFR(1272-1307), pp. 368-369. Abbot Walter Thorneberge of

In the selection of guardians for distressed Cistercian houses the king seems to have followed a few simple but politic rules. Firstly, his clerical appointments were generally always drawn from the ranks of the order. There is no instance in the Patent Rolls where Cistercian cloisters were committed to the care of men from other religious bodies. During the years of chaos and unrest at Bindon the abbots of Forde and Beaulieu, on occasion, acted as its custodians. When Flaxley encountered severe reverses in the middle years of the same decade abbot Richard of Dore and Thomas abbot of Bordesley were given the guardianship. Similarly, the heads of Waverley, Rewley and Thame were sent to assist abbot John de Dunsterre of Bruern in his administration. Furthermore, it is to be noted that whenever religious were appointed, the abbot of the mother house was invariably one of those selected thus demonstrating that some regard and deference was being paid to the constitutions of the order.[96] In respect to the choice of the religious there seems to have been no rigid rule unless it was the proximity of their houses to the impoverished

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Biddlesden fled with the seal. C.Chan.W.(1244-1326),p.488

[96] CPR(1327-1330), p. 391;(1330-1334),p. 384;(1334-1338), p. 175;(1364-1367), p. 86. Chapters viii,x,xi of the Carta Caritatis give broad powers to the abbot of the mother house whenever an affiliate was confronted with grave

community.[97] There are a few instances, however, in which the ordinary of a diocese prominently figures; in 1275 and again in 1283 the bishop of Bath and Wells, Robert Burnell was given charge of Cumbermere. Bishop Anthony Bek of Durham was assigned to care for Rievaulx in 1288 and, in 1339, Waverley was confided to John Stratford, bishop of Winchester.[98] When all is said, however, the number of Cistercians and prelates commissioned to such duty form a small percentage of the total.

Usually, the custodians were picked from among the highest ranks of the realm's political, social and economic elite. When Bordesley sought royal relief in its needs during 1275 the earl of Warwick, William Beauchamp, the king's close friend and principal captain on the Welsh frontier, was commanded to set matters right. In the course of the next year, Henry de Lacy, earl of Lincoln and Edward's most trusted diplomat, was chosen to reorganize Kirkstall's administration.

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crisis.

[97] Beaulieu was, apart from Forde, Bindon's nearest Cistercian neighbour. Likewise, Rewley and Thame stood closest to Bruern. In Flaxley's case, Bordesley was a daughter house, and so was preferred over the nearer communities of Hayles and Kingswood while Dore's relations with the community had always been closer than the more proximate cloister at Tintern.

[98] CPR(1272-1281), p. 103;(1281-1292), pp. 78,294;(1330-1334), p. 26. The appointment of Burnell to the keepership of Combermere may perhaps be regarded as another proof of Edward I's desire to promote his faithful clerk. In the previous September he had been appointed

Much later, earl Hugh Courteney of Devon was issued a like commission for Bindon. The most prestigious figure to undertake such tasks was John of Gaunt who, in 1365 took over the government of Stoneleigh and ousted the unworthy abbot and his partisans.[99]

Members of the Bench were also placed in charge of indigent monasteries. Ralph de Sandwich, a judge and brother of the bishop Henry of London, took Flaxley into custody in 1277 on a royal writ. Judge Roger de Brabazon received a similar injunction for Merevale in 1303. The Justice of Chester, Oliver de Ingham, was ordered into Combermere in 1328 and, in 1364 Chief Justice Sir William Shareshull received a writ to go to Bruern.[100] Other officials of the royal administration were also pressed into service. Debt-ridden Fountains received Philip de Willoughby in 1274 in answer to its plea for help. A few years later William de Hamilton, Keeper of the Great Seal, was made keeper of Vaudey until it recovered from a

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Chancellor and in January 1285 had been elected to Bath at the instance of the king. Rievaulx requested Bek's appointment for he was both powerful and sympathetic. When in November 1274 the debts owed to the Jews by Fountains were transferred to A. Beck, a royal clerk, CPR (1274-1281), p. 63, the monks of that community found him to be a more lenient creditor. CCR(1272-1279), pp.444-445.

[99] CPR(1364-1367), p. 133.

[100] Ibid.(1272-1281), p. 200; (1301-1307), p. 130; (1327-1330) p. 302; (1361-1364), p. 461.

fiscal malady.[101] Royal clerks, Hugh Kendall, Geoffrey Aspehal and John Berwick[102] were employed on like missions to Kirkstall, Combermere and Fountains in 1276, 1283 and 1291 respectively.[103] Less prominent commissioners were Grimbald Pauncefot and Thomas Basing. The former was keeper of Dene forest and was sent to Flaxley in 1281. Two years later, the latter, described as a citizen of London and probably a burgess of some substance, was gazetted to the same cloister.[104] As for the other guardians our information points to men who were of local rather than national significance.[105]

The rules determining the selection of lay custodians were quite flexible. There is some evidence, for instance, to show that patronal rights were not entirely ignored. Earl Henry de Lacy was the patron of the house to which he was ordered in 1276; bishop John of Winchester acted for Waverley, the foundation of one of his predecessors, and, Bindon was entrusted to the care of John de Newburg, a relative of a former patron of that community, Henry de Newburg.[106] At other times, when the misfortunes experienced by a community arose out of local disorder, men of military prowess were sent out. Thomas Wake of Lydell and Hugh Hastings, both renowned for their martial exploits were despatched to Louth Park "greatly impoverished by damages and excesses in the manors and possessions thereof done them by men of the country whom the abbot cannot resist." Apparently too the third nomination of Earl Hugh Courteney of Devon to the supervision of Bindon in April 1348 was inspired by similar motives for that house was depressed by the frequent visits of the king's alien enemies coming upon them unawares, as well as by other mariners calling there. Later in the next year Walter Maury was made custodian of Netley because it was overtaxed by frequent visits "of the king' alien enemies coming upon them unawares, as well as by other mariners calling there..."[107] In other cases,

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[101] A month previously he had been appointed escheator north of Trent. He was named baron of the Exchequer before June 1278 and Chancellor of the Exchequer in April 1293. He held the latter office until 1305. Register of John Romeyn, 2 pts., ed. W. Brown, Surtees Society Publications, CXIII (1913), p. 274 n2.

[102] Berwick was co-executor with bishop Burnell and Henry de Lacy of the will of Eleanor of Castile. He later became one of the king's justices and a canon of York, London and Lichfield. Mem. Fount. pp. 181-182.

[103] CPR(1272-1281), p. 208; (1281-1292), pp. 78, 431;Mem. Fount., pp. 181-182.

[104] Ibid.(1281-1292), pp. 2, 77.

[105] TTe five custodians named in a writ of 20 May 1354 in regard to Meaux, CPR(1354-1358), p. 50, were local men. Meaux, III, 4,11,19-20,85,95,129;CPR(1354-1358), p. 565. (Bindon);(1358-1361), p. 358. Several of the houses in custody had already petitioned at an earlier date the General Chapter to be allowed to disperse, to be excused attendance from capitular meetings and be allowed to seize apostate monks. See the case of Vaudey, Statuta,

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III, (1280:44).

[106] *Monasticon*, V, 526; *supra*, p. 48.

[107] *CPR* (1348-1350), p. 52.

cloisters requiring the services of an astute lawyer were sent eminent advocates. Willoughby's commission to Fountains in 1274 and Ralph de Sandwich's appointment to Flaxley in 1277 were due to "a loan contracted in Jewry and elsewhere as of various immense debts to merchants, alien and denizen, and others."[108]

In view of the calibre of many of the guardians it is not surprising to find that some few of them were unable to discharge their custodial duties because of other and more pressing obligations. A writ issued in favour of Kirkstall in 1277 makes it clear that "the said abbey lately committed to the custody of Hugh de Lacy, earl of Lincoln, who cannot at present attend thereto by reason of staying in the March on the king's urgent affairs..." was recommitted to Hugh Kendall. On the other side there is no record as to how, when or by whom the task enjoined on Hugh Despenser, earl of Winchester, in respect to Waverley was performed. In mid-July of 1326 earl Hugh was ordered to supervise the affairs of that abbey. His commission was for three years but a month after his nomination he was deeply involved in the preparations being made to resist the Mortimer-Isabella

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108. CPR(1272-1281), pp. 59, 200; (1343-1345), p. 336; (1348-1350), pp. 52, 445.

invasion and in little more than twelve weeks, his head, transfixed by a pike, stood high over the gates of Bristol town. Even abbot William de Tinghurst of Stanley when elected to oversee the material affairs of Amesbury in 1293 was given power "to appoint a substitute when he cannot attend."[109]

In later years indeed it seems to have been the policy to associate a great figure with a person of less importance in these missions of relief; the former doubtless to lend prestige to the commission while the latter actually performed the service. In 1283 Geoffrey de Asephal was accredited to accompany the lord chancellor, Robert Burnell, in the administration of Combermere. Insofar as Robert was almost continuously engaged in negotiating the treacherous sands of Welsh and Marcher politics in the years 1282 and 1283 it is inconceivable that he allowed much time or attention to custodial tasks. The burden of the commission must, therefore, have devolved upon his associate. It is clear also that the nomination of the former Chief Justice of King's Bench was meant to provide the mission to Bruern with a large fillip of prestige. Sir William Shareshull had been in honourable retirement since 1357 although he assumed minor duties on occasion until 1361. By the date of his selection in 1364, however, he was old, in failing

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109. CPR (1272-1281), p. 208; (1292-1301), p. 18; (1324-1327), 304

health and within a year of his death. His associates, Roger Elmerugge and John Nowers, bore the brunt of the supervisory duties. In like manner the writs addressed to Justice Oliver Ingham of Chester in 1321 and Richard, earl of Arundel in 1346, were completed by their confederates, Robert Shireburn and John de Leybourne. Arundel was in France with the king from the spring of 1346 and commanded a division of the royal army at the battle of Crecy in August of that year; Ingham was deeply immersed in Shropshire intrigues.[110]

Before we enter into the evidence which the commission gives us in respect to the powers of the custodians it might be well to briefly consider the time spans of their missions. Generally, they stipulate that they will continue "during pleasure." The use of such an indefinite clause is not without its purposes. First, it reflects the crown's appreciation of the principle that fiscal retrenchment is determined as much by the actual state of affairs as it is by the speed with which curative policies are initiated. Second, its use allows the competent and zealous guardian a free hand to perform his duties in the manner and in the time he deems necessary. Finally, the crown is left free to terminate without written or legal notice the services of any custodian who

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110. CPR(1281-12920, p. 78;(1327-1330),p. 302;(1345-1348),p.110

chanced to be incompetent, unreasonable or even malfeasant. Yet even with the "without term" provision most custodians remained in office scarcely more than a year. Thus the Shareshull mission to Bruern beginning in February of 1364 was replaced in the following year by a delegation composed of three Cistercian abbots, two earls and a knight. This, in turn, was superceded in May of 1366 by the Hervy-Goloffer commission. Similar moves occurred at Jervaulx in 1275-1276 and Bruern between 1330 and 1334. A few commissions had regulated ~~terms~~. When Pauncefot went to Flaxley in 1281 he carried a three year writ although he served only slightly more than half of it when citizen Basing supplanted him with a new two year warrant. The two or three year writ was the most common of the stipulated terms although custodies of five years duration are spasmodically mentioned.[111]

The duties and powers of the custodians are only sketchily defined in the earliest writs; ordinarily they arrange for the issues to be applied to the payment of the house's debts, the purpose being to ensure the continuance of divine service, hospitality and the distribution of alms. The The fullest and earliest expressions in respect to a Cistercian affiliate are those contained in Pauncefot's commission in 1281. He was,

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[111] CPR (1272-1281), pp. 76, 127; (1281-1292), pp. 2,77; (1324-1327), p.252; (1361-1364), pp.461-462; (1364-1367), pp.86, 244.

> to take under the king's special protection, for three years, the abbey of Flaxley, which is burdened with debt and impoverished, both by murrain amongst the sheep, upon which the abbot and monks and many others in their places mainly depend for their subsistance, as well as by sheriffs, bedels, foresters, and others consuming their goods by faculties, so that the abbey can no longer perform its customary distribution of alms or its other works of mercy, and is in danger of dispersion; and to apply the revenues thereof to the use of the said abbey, except such as are necessary for the maintenance of the said abbot and convent and their household, and for the distribution of alms to the poor.[112]

The most delicate issue facing Pauncefot, or any other custodian for that matter, was to decide what percentage of the convent's income was necessary for the maintenance "...of the...abbot and convent and their household." Upon the answer might depend the whole future course of his relations with the community. To facilitate such decisions and to insulate the custodian from the monks' wrath consequent to an unfavourable decision, the writs often contain a clause that policies were to be adopted "by view of the more discreet men of

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112. CPR (1281-1292), p. 2. The form of the writ and its contents varies only in respect to its recipient's name , and the community to which he was gazetted.

the abbey."[113] Unhappily, our Cistercian sources are either silent or very reticent in admitting to supervision by lay guardians. For instance, one can question the intent of a chronicler who composes paeans to the fiscal victories of a superior whom other sources infer was either incompetent or a malfeasor. In such cases it would not be unfair to transfer the praise to the lay custodians who actually assured the material resurrection of the community. Burton's remarks in connection with the Dringhow-Ryslay controversy are plainly open to such a transposition.[114]

It is certain, nevertheless, that the procedures or programs followed by the commissioners were influenced by at least three factors (a) the cost of living index at the time of custody (b) the numerical size of the community (c) the magnitude of the deficit. According to Postan the last years of Edward I's reign mark the high tide of a "veritable price revolution" which had its beginnings in the middle of the twelfth century and was triggered by a commercial boom in agricultural production.[115] Over a century and a half the value

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113. CPR (1327-1330), p. 335; (1334-1338), p. 175; (1313-1317), p. 256.
114. Meaux, III, 83-162.
115. M. Postan, "The trade of medieval Europe: the North," Cambridge Economic History of Europe, 3 vols., ed. J. Clapham et al. (Cambridge; University Press, 1941-1963), II, 166. Prof. Postan's observations are based

of a basic staple advanced fivefold, a spiral almost exactly duplicated by the costs of maintaining one religious in the same period. Thus when Engeler Bohun wanted to ensure a living for one extra monk in the abbey of Waverley near the beginning of the thirteenth century he assigned one mark for the purpose.[116] At the end of the same century when Whalley church was appropriated to the abbey of the same name in order to support twenty additional monks, abbot Gregory Northbury (1296-1309) claimed that the 100 marks which the church represented in revenue was just sufficient to fulfill the donor's desires.[117] Yet even within the period spanned by the reign of Edward I costs varied considerably, the average annual increase in the last seven years being somewhat greater than that posted during the previous twenty seven.[118] Thus, it

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on the researches of Lamprech and Beveridge and these, with but slight modifications, generally conform to the conclusions of J.E.T. Rogers, A History of Agriculture and Prices in England, 7 vols., (Oxford: Clarendon Press, 1866-1902), II, 264.

[116] Monasticon, V, 238.

[117] Snape, Op. Cit., p. 167, who chooses to interpret the advance in costs to the increasing growth of the "high life" in religious institutions.

[118] This is based on the average annual increase predicated on the minimum of each of the twenty year periods from 1260 to 1319 in the table printed in Postan. Price and Wage historians are all agreed that both will vary from region to region, from county to county and indeed from manor to manor. The tables included in work of Rogers amply attest to that fact and, moreover, indicate the sharp increases and declines from year to year.

may be assumed that when Roger Brabazon took in hand the fiscal retrenchment of Merevale in the spring of 1303 the sum reserved for the maintenance of the religious was decidedly larger than what had been set aside for the same purpose by Peter de Leycester six years earlier. Doubtless too the wage scales of the claustral servants reflected this increase.[119]

In any event, the overall provision made would depend immediately upon the number of religious and other dependents forming the whole establishment. Here also the researcher is faced with insurmountable obstacles for the sporadic and vague nature of the statistical information on conventual populations prohibits any realistic computations. The figures provided by Merevale, the return most proximate to a period of custody, will suffice to illustrate the difficulty. In 1292, five years before its first commission arrived, the monks numbered ten or more and there is no indication as to the strength of the work force. The next census occurs at dissolution in 1538 when ten received pensions.[120] It is generally agreed that the

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119. According to Rogers the undermentioned trades were paid an average daily wage during the decades 1291 to 1300 and 1301 to 1310. Figures in brackets represent the latter period; Carpenter, 2.62 d.(3 d.), Tiler, 3.50 d. (3.12 d), Mason, 2.75 d. (4.d), Slator, 4.50 d.(3.25 d.), Sawyer, 2.87 d. (3.37 d.). Rogers, Op. Cit., I, 322.Table, IV.

120. D. Knowles & N. Hadcock, Medieval Religious Houses, (London: Longmans, Green, Co., 1953), p. 112; Monasticon, V, 482

monastic population in the kingdom had, by the first years of the fourteenth century, entered an age of gradual decline and that there was a reciprocal increase in the number of lay employees engaged, especially by the communities of White Monks.[121] Hence the operational expense was subject to the changing composition of the community. In turn, these various fluctuations were augmented by the extent of the liabilities.

The last quarter of the thirteenth and the first half of the fourteenth century was a period in which many communities sustained especially large deficits. In part this was a consequence of a serious and prolonged outbreak of the scab in their sheep flocks.[122] The big producers of the north such as Meaux and Kirkstall were greviously affected by it. At the former place abbot Robert Skyrne (1270-1280) owed £2500 to foreign merchants and another £1178 to domestic entrepreneurs. When Hugh Grimston (1284-1304) assumed office at Kirkstall he found liabilities in the amount of £5248 and 59 sacks of wool. A few year's later York's metropolitan, John Romeyn, wrote to the monks of Clairvaux that the condition of their daughter house, Fountains, was so desperate that it was a "cause of scandal and derision to the whole kingdom."[123] Distress was not confined to the vales of Yorkshire, Flaxley, Bruern and Pipeell among others appealed to the General Chapter that they be permitted to close down and disperse.[124] But no situation appears to have been so miserable that a judicious handling of income could not improve matters immensely. The debt at Kirkstall for example was reduced by £5124, the livestock

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[121] J.S. Donnelly, The Decline of the Medieval Cistercian Laybrotherhood, (New York: Fordham University Press, 1949), pp. 64-70; J.C. Russell, "The Clerical Population of Medieval England, " Traditio, II (1944), pp. 177-212; Snape, Op. Cit., p. 6 seq. In inscribing the stipends and expenses of the monastic family at Meaux, BM Egerton, 1141, fols. 180v-182v the recorder sets down the names of fifty people. In 1332 they were seventeen serving men at Bordesley. VCH (Worcestershire), II, 153.

[122] H.E. Wroot, "Yorkshire Abbeys and the Wool Trade," Thoresby Society Miscellany, (1935), pp. 1-13; cf. also

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R.J. Whitwell, "The English Monasteries and the Wool Trade," *Vierteljahrschrift für sozial und Wirtschaftsgeschichte*, II (1904), pp. 1-33.

123. *Meaux*, II, 156-157; *Monasticon*, V, 528; *Reg. J. Romeyn*, Pt. II, No. 1327; *Mem. Fount*. I, 181. N. Denholm-Young, *Seignorial Administration*, pp. 55 n8 citing a Bodlean Library manuscript, Rawlinson, B. 449 fol.9, asserts the actual figure of Fountains debt was in excess of 6473.

124. Among these houses, Bruern's debts in 1289 exceeded 2100 marks. *CCR*(1279-1288), p. 424; (1288-1296), pp. 42,130, and in 1294 it owed another 1150 marks to Florentine merchants. *Ibid*.(1292-1301), pp. 383-384. According to Denholm-Young, *Loc. Cit*., Louth Park owed over £457 and Woburn over £400 in 1294. The cartulary of Rievaulx contains two obligatory letters issued by the abbot and convent to the General Chapter. The first is dated in 1291 and indicates that £240 sterling had been borrowed and was to be repaid at the rate of £12-10-0 per year. This being insufficient, the lands, goods etc. of the community were mortgaged in the following year to the amount of £1000 Tours. This loan was to be retired at the rate of £50 annually. The interest amounts to five

population increased by 200 oxen, 76 cows, 136 bullocks, 90 calves and 4000 sheep in less than a quarter of a century of management by the royal custodians.[125] In May of 1354 when royal commissioners came to Meaux to undertake a retrenchment the community was in debt to the tune of £1003-3-11 and 112 sacks of wool. Within a decade and a half liabilities had been reduced to £230 by selling off a large part of the livestock.[126] Yet it seems unlikely that the royal agents would have been so successful if their writs of appointment had not been accompanied by letters of protection for their charges.

These instruments were of three sorts: the simple protection, protection with the clause nolumus and protection with the clause volumus. Of the three the first is the most ancient. Its lineage reaches back to the first years of the twelfth century. Although its lifespan was usually stipulated it was much valued because it detered unruly and avaritious

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percent on both. Cart. Riev., pp. 376-377. By 1280 Pipewell was in such a bad way that it was forced to the expedient of cutting part of its woodlot and the tops of trees for sale as firewood. VCH (Northamptonshire), II, 118. Various smaller sums owed by several other communities are acknowledged in the CCR (1279-1288), p. 179 seq. For the appeals to Cîteaux see Statuta, III, (1280:38) Kirkstall, (1281:63) Flaxley, (1291:61) Rievaulx, (1292:62) Fountains, (1292:31), Bruern, (1296:17) Pipewell.

[125] Monasticon, V, 528

[126] Meaux, III, 83 seq.

elements from spoiling the goods, persons and interests of institutions faced with a wide variety of difficulties.[127] But the simple protection was not sufficient or explicit enough to meet the requirements of the great age of legal definition. Letters of protection with the clause *nolumus* was one of the instruments which emerged to satisfy those wants for it forbade the appropriation of the goods and chattels of the recipient for the uses of the Crown or any other. They appear initially shortly after Edward I's accession and were issued without any special reference to the fiscal state of the assignee.[128] Only in 1302 were they granted to a Cistercian foundation in concert with the writ of custody.[128] Thereafter, they become rather regular companions of custodial commissions. Letters *volumus* are more regularly found. They were intended to inhibit all court action against the receiver for an avowed period of time. Possession of such letters was of undoubted advantage to impoversished communities even though evidence of their invocation is lacking.[130]

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127. *Rot. Pat.*, 125b; *CPR*(1216-1225), pp. 300, 350, 364, 382.
128. Nolumus etiam quod de bladis fenis equis carectis carriagiis victualibus, aut aliis bonis et catellis ipsius /name/ contra voluntatem suam ad opus nostrum aut aliorum per baillivos seu ministros nostros aut alterius cujuscumque quicquid capiatur. See, *CPR*(1272-1281), pp. 224, 229, 233.
129. *Ibid*.(1301-1307), p. 28.
130. *Ibid*.(1266-1272), p. 428; (1272-1281), p. 274; (1281-1292),

It would not be out of place to end our consideration of the Westminster statutes and in particular our observations on the custodial commissions to Cistercian houses with a few remarks about the profitability of custodianships whether to the Crown or its deputies. The absence of any record save in official documents about the commissions implies that the monks were generally pleased by the protective rôle and work of the Crown in preserving them from material destruction. Whether they realized it or not the price they paid was a high one, for even as they accepted that assistance when it was offered, or, sought it in despair, royal authority in matters internal was being firmly fixed. As for those who carried out the king's wishes their remuneration was found in royal favour not to mention the hospitality they enjoyed during the course of their duties. Of malfeasance there is no trace although transactions of a mutually beneficial character come to light.[131]

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pp. 299, 370.

131. In the mid-fourteenth century when Meaux was encumbered with great debts and in royal tutelage money was raised by demising the manor of Skyrne to Sir Robert Hilton, one of its five custodians. Meaux, II, 104, 146, 208-209. Later in the fourteenth century it was proposed in parliament that protection with clause volumus be done away with altogether. Rot. Parl., II, 332 No. 60 Still the crown persisted in issuing letters of this kind,as late as Henry VII's reign they were being granted.

CHAPTER IV

THE MORTMAIN LAW AND ITS EFFECTS

If one conceives of the first Westminster laws as constituting the obverse face of royal legislation with respect to the regular clergy it follows that the mortmain enactment of 1279 and its several supplements composes the principal element in its reverse side.[1] *De viris religiosis*, as it is often called, is the first statute to prohibit completely the further acquisition of lands and goods in free alms by ecclesiastical persons or institutions. In form it is made up of six distinct clauses; a preamble, an ordinance of four sections and a command for proclamation.[2] The preamble is addressed to the Justices of the Court of Common Pleas and adverts to a former law and outlines the several evasions which have rendered that law of no effect. The new enactment forbids the future alienation of lands and tenements by sale, gift, purchase, lease or by any type or form of transaction, arte vel ingenio, on pain of forfeiture of the same. If property were alienated in contravention to the law then the lord of the fee immediate would have the right of entry and possession within a year of the alienation. Should the immediate lord be negligent in taking possession, the right passed onward to each of the mediate lords. In the event that all fail to repossess, the property would escheat directly to the Crown.

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[1] For the text of the statute see Appendix "E". Scant attention has been given to the mortmain issue by scholars. The most pertinent recent works on it are those of C. Gross, "Mortmain in Medieval Boroughs," *AHR*, XII (1906-1907), 733-742; T.A.M. Bishop. "Monastic Demesnes and the Statute of Mortmain," *EHR*, XLIX (1934), 303-306; H.M. Chew, "Mortmain in Medieval London," *EHR*, XL (1945), 1-15; K. Wood-Legh, *Church Life*, pp. 60-88, 127-153; T.F.T. Plucknett, *The Legislation of Edward I*, (Oxford: Clarendon Press, 1949), pp. 94-102.

[2] According to T.F.T. Plucknett, *Statutes and their Interpretation in the Fourteenth Century*, (Cambridge: Uni-

This statute was the culmination of a contest which had its beginnings in the first years of the century when the members of the second estate became alarmed at both the amount of land passing into the hands of ecclesiastical persons or bodies and, the widespread tendency on the part of their vassals to evade or nullify feudal services through collusion with the religious. In 1217, for instance, the second edition of Magna Carta contains the provision that:

> It shall not be lawful for anyone henceforward to give his land to any religious, house in order to take it back to hold of the house; nor shall it be lawful for any religious house to accept anyone's land and to return it to him from whom they have taken it. If anyone in the future shall give his land in this way to any

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versity Press, 1922), pp. 8-11 the statute had not yet acquired a definite form. My division is arbitrary.

> religious house and be convicted, the gift shall be annulled and the land forfeit to the lord of the fee.[3]

Notwithstanding the severe penalties promised to offenders the "men of religion" were swift to discover new loopholes. According to Coke they "were to be commended; that they had ever the best learned men in the law, that they could get, of their counsel," thereby allowing them "to creep out of this statute".[4] Apparently the most frequently used shifts were those in which the religious house either purchased or leased for long terms lands which were held of themselves. There are numerous cases in which Cistercian monasteries bought or rented their own infeudated lands but, wanting direct evidence of collusion it would be unjust to impute such activity to them.[5]

A decade after the inclusion of the alienation clause in Magna Carta, a prohibition on alienations to religious houses of land or interests belonging to the royal demesne is noted, but no royal action was taken to plug up the gaps until in 1258 the barons petitioned against unlicenced alienations by religious.[6] Chapter fourteen of the Provisions

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3. Magna Carta (1225), c.36
4. E. Coke, The Institutes of the Laws of England, 4 pts., (London, 1628-1644), Pt. II, 74-75.
5. Meaux, II, 165-167; Coucher Book of Whalley Abbey, 4 pts., ed. W.A. Hulton, Chetham Society Remains, XVI(1849),672-7.
6. CCR(1227-1231), p. 88;"Viris autem religiosis non liceat

of Westminster (1259) was the answer to this plea: only those religious who had obtained a licence could legitimately amortize.[7] It was to this enactment that the preamble of de religiosis referred. However, inasmuch as it was not accounted one of the "legal clauses" of the Provisions in 1259 it was omitted from the Statute of Marlborough of 1367.[8]

Edward justified the law on the grounds that alienations in mortmain withdrew the certain services owed by all property in the kingdom and provided for its defense, to a legal person whose tenure would never again be relaxed because of the self-perpetuating nature of that person.[9] Yet contemporary opinion postulates other reasons for the law. A few, manifesting acute insight into the great issues at stake, saw in it the king's chastisement of the church for Archbishop Peckham's attitude at the Council of Reading in July of the same year. At that time, following a reiteration and reissuing of all previous conciliar legislation of a reforming nature as well as a proclamation of his own canons on pluralism and non-residence,

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ingredi feodum alicujus sine licentia capitalis domini, de quo scilicet res ipse immediatur tenetur." Stubbs, Select Charters, p. 395; supra, pp. 40, 49-50.

[7] Ibid., p. 375. "Item petunt remedium, quod religiosi non intrent in feodum comitum et baronum et aliorum sine voluntate eorum, per quod amittunt inperpetuum custodias maritagia, relevia et escheatos."

[8] Powicke, Thirteenth Century, pp. 216-218.

[9] P & M, I, 486-511.

the primate declared his intention of defending the rights and liberties of the church. The pertinent clauses of Magna Carta on church liberty were recited with the provision that all priests were to read the Charter to their flocks; copies of the document were ordered to be displayed prominently in all collegiate churches and chapters of the province while all those who violated the Charter's clauses would be solemnly excommunicated.[10] On the other hand the chronicler of St. Albans, imbued with more piety than realism and in total disregard to the archbishop's later retraction of the offending pronouncements at the November Parliament, concluded that the royal law was divine retribution for the omission of the Athanasian creed from the offices; an innovation decreed by a general chapter of the Benedictines in the previous year. The White Monks have left no record of their reaction.[11]

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[10] D.L. Douie, Archbishop Pecham, (Oxford: Clarendon Press, 1952), p. 119; H. Johnstone, "Archbishop Pecham and the Council of Lambeth," Essays in Medieval History presented to Thomas Frederick Tout, (Manchester, 1925), pp. 171-188. The Cistercians also, among others, were excoriated by Pecham for not having attended the previous council at Lambeth. He suspended them as rectors of all churches of their appropriation within his province. The monks and the other offenders appealed this sentence. AM, II, 395-397. cf. J.J. Smith, The Attitude of John Pecham Toward Monastic Houses Under His Jurisdiction, (Washington: Catholic University Press, 1949), pp. 26-28.

[11] "Quamobrem mox, in sequenti Parliamento, velut in ultionem tantae pigritae vel ingratudinis, Rex edidit

Scarcely six months elapsed after the formulation of the law when the king fixed upon a policy which clearly had the effect of extending the scope of the royal prerogative.[12] Letters of licence were issued, both to individual clerics and bodies corporate, permitting them to set aside the injunctions of the Statute.[13] No mention of, or provision for, such a device was made in the enactment but the implications of the use of such an instrument are obvious: the king's consent was not merely indispensible but sufficient to prevent

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Statutum..." Gesta Abbatum Monasteri S. Albani, a Thoma Walsingham, 3 vols., ed. T.T. Riley, Rolls Series, No. 28, (London, 1867-1869), I, 464.

[12] The two standard expositions on the prerogativa regis are to be dound in Holdsworth, History of English Law, III, 350-362; P & M. I, 336 seq.; See also, Select Cases in the Court of King's Bench, ed. G.O. Sayles, Publications of the Selden Society, LV (1936), 18 seq. Plucknett, Legislation, p. 99. On its later development and exposition cf. Robert Constable, Prerogativa Regis, (New Haven: Yale University Press, 1949).

[13] The first licence under the statute is dated 20 May 1280 and favours the Warden of the Chapel of St. Catherine of Warmeberge. CPR(1272-1281), p. 372; J.N.L. Meyers, "Notes on the History of Butley Priory, Suffolk," Oxford Essays in Medieval History Presented to H.E. Salter, (Oxford: Clarendon Press, 1934), p. 195, suggests that because Butley did not receive any mortmain dispensations until 1316 that it was either ignored or the statute was fulfilling its stated purpose. Neither of course is true. Had the priory alienated land without permission before 1316 it would have been discovered and a pardon for the trespass or a confiscation would have been enrolled or made. No land was seized or pardons issued to the house before 1316. The fact that 892 licences were issued for alienations, exchanges and appropriations during Edward I's reign alone destroys the alternative.

all future actions against the alienees under colour of the law. To say the least, the decision to grant dispensations was of considerable consequence. In the time of Edward II the advocates were to plead that the monarch's letters under the small seal were a "new authority that is as high as a statute."[14] Nevertheless, the mortmain licence as a legal instrument remained part and parcel of the royal prerogative for over half a century before it achieved any status in the written law of the land. In 1344 a Statute was formulated which allowed that if any alienee were sued for an infraction of the mortmain law and was in possession of a copy of the process *ad quod damnum* and a royal licence he would be permitted to go his way in peace.[15]

In general, two classes of mortmain exemptions are distinguishable from the very outset. The one we will refer to as special because it was often described in that way by the Crown itself; the other, owing to its rather broad and vague nature, may best be designated as general. How far the differences between them can be imputed to royal aforethought is difficult to determine even though it is admitted that a real distinction was made both on the side of the royal administration and the petitioner throughout the fourteenth century.[16] Of the two warrants, those which fall within the former catagory are the most numerous and relate to the alienation of particular pieces of property or definite amounts of rent. Hence they differ from one another only insofar as they are concerned with diverse amortisements. They always contain the name of the grantor and the grantee; the extent of the property or rent to be alienated and the yearly value of the land or rent. In some of the later dispensations, the amount of the fine levied for the grant is included and not infrequently the reasons which have prompted the king to issue the exemption. Thus, the variety and exactness of the information they convey gives tham an undisputed pre-eminence among the sundry sources bearing upon the Statute.

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[14] Plucknett, *Statutes*, p. 141.

[15] "Item, quod si Prelatz, clers benefices, ou gentz de Religion gount perchacez terres et les sunt mys a mort myn, soient empeschez ou aresonz sur ceo devant nos Justicz, *et ils monstrant nos chartres de licence et processe sur ce fait per enqueste*, *ad quod damnum*, ou de nostre grace ou per fyn, qils soient lessez franchement en pees, saunz estre outre empeschez par la dite purchace. Et en cas qils ne pourront sufficialment monsteeir qils ne soient entrez *par due process apres la licence a eux grante*, *en general ou especial*, qils soient bonement resceuz a faire covenable fyn, et quod lanquerrie de cest parlement." *Statutes of the Realm*, I, 302-303.

Yielding much less information yet invaluable to all who possessed them, the general warrant permitted the alienee to amortise land or rent up to a specified annual value. The majority of the general exemptions provide for assignments to the value of from £10 to £20 yearly although, in exceptional circumstances, sums running as high as £100 annual value were issued.[17] But for all that, the possession of a general licence did not mean that the grantee could amortise at will until the amount stipulated in the grant was exhausted. Rather each plot or donation of rent had to undergo an inquest *ad quod damnum* and a special dispensation had to be acquired before one could take possession legally. What then, one may ask, was the advantage of having a general warrant if a special exemption was still an imperative for each and every amortisement ?

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[16] cf. Appendix "E" (a) Writ _ad quod damnum_.

It has been mooted that religious houses obtained the general licence in order to lessen the amount of fines they could otherwise anticipate paying for each special exemption.[18] As we shall see shortly this "buy in bulk and save" theory does not answer all the questions which arise out of the evidence in hand. A much more plausible explanation it seems to me, is, that religious corporations which envisaged impending mortmain gifts petitioned for the right to receive

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17. *CPR* (1292-1301), p. 96; (1307-1313), pp. 108, 152, 388, 432, 434, 441.
18. Wood-Legh, *Church Life*, p. 64; Bishop seems to adopt the same view.

the same immediately as they were made, thereby securing donations which might possibly fall into other hands for want of a licence. And while the Crown recognized these pleas with the general warrant, restrictions were devised to prevent abuses of them. In the requirement that each piece of land alienated be especially licenced, the king retained the final word as to what could and what could not be amortised. Moreover, by fixing the amount of land which could be obtained in the form of a stipulated value, the number of special licences ultimately acquired under the general dispensation was limited.

Despite these differences the general and special licences are not without real similarities. In fact a close examination of all those issued in the period from 1280 to 1399 reveals that, in format, they remained virtually unchanged. The earliest begins with a brief recapitulation of the statuatory prohibition and then later, when the law became too well known to require explanation, simple allusions to it were made. Because the law was intended to protect the interests of the mesne lords as well as those of the Crown, it is only natural that clauses relating to those rights be found embedded in each.[19] In the case of the mesne lords, the grant is always made "saving the services due and accustomed to the capital lord of the fee." With the inclusion of the clause, quantum in nobis est, the Crown at once affirms the right of the mesne lords and its own power, as chief landowner of the kingdom, to make the grant.

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[19] The phrase usually employed is "Licet de communi con-

Seven amortization licences predate the first exemption granted to a monastery of the Cistercian affiliation.[20] On the 20th of August 1280 Combe abbey in Wiltshire received royal authority to purchase into mortmain lands of its own fee which had been leased to one, Adam Vescy.[21] A full year intervenes between the Combe licence and the next warrant granted to a community of the same Order but thereafter writs for alienation become both regular and numerous. In the decade

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silio regni nostri providerimus quod ad manum mortuam deveniat sine licentia nostra et capitalis domini de quo res illa tenetur." CBW, I, 116 No. 48b; II, 506 No. 21. This phrase is sometimes used in later licences as seen in Cr, 421 No. 100 (1380) but by the end of the fourteenth century the most common expression is "Statuto de terris et tenementis ad mortuam manum non ponendam edito non obstante." CBW, III, 705 The similarity of the earliest form to clause XIV of the Provisions of Westminster is apparent. Select Charters, p. 393.

[20] CPR(1272-1281), pp. 372-376, 381, 393. Of these licences, the "exempt" orders of the Knights Templars received one and the Friars Minor two. That it was imperative to have royal authorization is clear from the expression "as soon as the king's licence is obtained." cf. CAD, B1135,Bii39,B1141-1142; CPR(1327-1330), p. 335; (1334-1338), p. 565.

[21] Ibid.(1272-1281), p. 393.

between May of 1282 and January of 1292, seventeen Cistercian cloisters succeeded in procuring a total of thirty licences.[22] Unimpressive as this number may appear at first glance, it should be noted that well over one third of the dispensations comprising it were issued in the last two years or so of the period and that three quarters were obtained in the last half of the decade. In turn, the increase in the number of petitions for alienations by Cistercian affiliates reflects quite faithfully the overall general increase which occurs at the same time.[23] This state of affairs then brings us to the main problem issuing out of the mortmain statute. If the law was meant to prevent all alienations of lands to the church, how does one explain the rapid increase in the number of petitiobs granted by the crown after 1285 ?

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[22] The monasteries of Combe, Garendon, Kirkstead, Stanlaw and Woburn acquired three dispensations each: Buildwas, Forde, Stoneleigh were granted two apiece: Combermere, Holm Cultram, Jervaulx, Louth Park, Merevale, Medmenham, Newminster, Rievaulx and Waverley were each granted one. CPR(1281-1292), p. 20 passim

[23] It will be seen from the table of mortmain licences, Appendix "F", that some 247 exemptions were issued out of chancery in this period. It will be noted moreover that none were granted in the years 1287-1288. This stoppage is explained by the fact that Edward and Burnell were out of the kingdom and only a skeleton staff was left at Westminster to carry on the routine matters of government. Mortmain licences apparently were too new an institution and too prone to litigation for lesser bureaucrats to look after, Tout, Chapters, II, 62 seq.

Although the expressed intention of the law was to protect the interests of the mesne lords and to preserve an adequate feudal host for the national defense, Edward's real aim it seems was to bring the church under a greater measure of royal control. This would not be achieved by the law if no dispensations were permitted. On the other hand the mortmain licence made all members of the clerical order his constant supplicants and, at the same time, gave the Crown the power to regulate the variety and extent of revenues available to the church without engendering a major contest with the men of the cloth. Until the full ramifications of the Statute had been worked out in his own mind mortmain immunities were sparingly granted by Edward. By 1285 the concatenation of the king's designs and the constant pressure exerted by the clergy for a relaxation of such control led to the issuance of a greater number of dispensations.

The king's financial necessities provided the backdrop and the opportunity for the initial clerical agitation against the Statute. By the end of 1279 he had successfully negotiated a grant from the laity and then turned to the church with the hope that a matching subsidy would be forthcoming. Several councils were held in the early months of 1280 in the northern and southern provinces to discuss the royal request. By late summer grants of a tenth and a fifteenth were voted and were accompanied by twenty petitions for redress.[24] To most of these Edward gave oral and provisional answers in the November Parliament, and, both Pecham and Wickwane sent these replies out to be set down in official memoranda. The last is concerned with the mortmain law: either it be revoked or so emended that the alienation of land of their own fees be allowed, and, that all those institutions inadequately endowed be excluded from its provisions. On this plea Edward reserved his answer until it had been considered further.[25]

Three years passed before another opportunity presented itself for protest. The occasion was the Easter Parliament of 1285 called to celebrate the king's triumphal return from the Welsh wars. Before this gathering seventeen pleas of grievances were laid before the royal government, the twelfth of which asked that de religiosis be modified with respect to parish churches and that provision be made so that new chantries and religious houses could be founded. Chancellor Burnell in answer asserted that there would be no change in the law; that a royal licence must be sought and that the king would issue such permits whenever he deemed it expedient.[26] The ecclesiastics, angered by this inflexibility, now avowed that the Statute was a violation of the rights and liberties of the church which had been guaranteed by king Henry "of blessed memory" in the Great Charter.[27] The Crown was unmoved.[28] New protests were entered when the Statute of Westminster II was brought to the floor of Parliament for debate. Seven clauses were disapproved of in whole or in part. Two of the seven were especially singled out for they bore directly upon the issue of alienation. Article thirty two closed off the courts to circumventors. The process which had evolved was this: A, wishing to grant land to B, a monastery, leased the land to B and then proceeded to break the lease. By mutual agreement, B takes A to law. A fails to heed summons and land devolves on B by court decision. For the future, the Statute declared that a jury would be impanelled to ascertain the ownership of the land who would, under the Statute, claim it from both lessor and the devisee.[29] This, in the eyes of the clergy, "put the church in a condition inferior to any other persona."[30] The forty first clause of the Statute, as we have had occasion to note, permitted a benefactor or his heirs to recover property given to a religious house which was later alienated without due regard to the terms of the gift. To this, the clerics took exception on the grounds that lands held in free alms fell under the jurisdiction of the Courts Christian.[31]

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[24] G.B. Flahiff, "The Writ of Prohibition to Court Christian, in the Thirteenth Century," Medieval Studies, VI, (1944), 302-305; E.B. Graves, "Circumspecte Agatis," EHR (LIII (1928), 1-20.

[25] C & S, II, 885; D. Wilkins, Concilia Magne Britannicae et Hiberniae A.D. 446-1717, 4 vols., (London, 1737), II, 112-113.

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[26] C & S, II, 958; Wilkins, Concilia, II, 115-116.
[27] Ibid. II, 961 No. 4
[28] Ibid. II, 963 Nos. 5-6.
[29] Statutes of the Realm, I, 91-92; supra, pp. 131-132.

The government's replies to these objections indicate a considerable degree of exasperation. To the former it is answered that the sole purpose of the mortmain law was to stop all further acquisitions of property by the church; to the latter, "it is not the intention of the king's court to prejudice the right of prelates but to ensure that justice is done."[32] Influenced, no doubt, by clerical badgering and determined to place restrictions on the issuance of licences, Edward allowed the establishment of two instruments for their control and refinement. The one, a statute which regulated the petitions and the procedure to be followed upon their receipt, the other, an instruction to chancery stating the conditions which had to be met before a licence could be considered.

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[30] C & S, II, 964 Nos. 4-5.

[31] "in quo videtur ecclesie et prelatis graviter preiudicari, ad quod pertinet cognitio et compulsio..." No. 5

[32] C & S, II, 966 Nos. 5-6.

According to the new law the grantor or grantee wishing to alienate land had to present a petition in full parliament. Once the plea had been enrolled the chancery was to be notified to issue a writ of inquest ad quod damnum to the escheator of the county wherein the property lay. This official was required to assemble a jury from the neighbourhood to give information regarding the donor and his estate; they determined whether or not the grantor was, after the proposed alienation, left in possession of sufficient property or interests to discharge all his feudal obligations as well as any other services that he might owe. As for the proposed alienation, evidence was to be taken as to the form of the tenure and the annual income accruing therefrom. A transcript of this information was then to be forwarded to chancery where a final review of the evidence was made.

The instruction given to chancery relative to the returned writ imposed four conditions although these are basically concerned with only two problems; those relative to the content of the writ and those by which the form of the writ and the return were to be judged as true and legal instruments. The first clause stipulates that no licence was to be issued unless the consent of all the mesne lords, in letters patent under their various seals, were produced by the petitioner. Likewise, no dispensation was to be granted where the donor intended to deed over all his interests. Moreover, if the original writ authorizing the inquest was not returned with the information taken, or if the inquest did not answer each article of the writ, a licence would not be issued.[33] In such wise then, the action taken by the crown defends both the rights of the mesne lords and makes the inquisition the direct warrant for the issue of a mortmain licence under the great seal, normally in the form of letters patent.

Edward did not initiate a new process when he applied the writ *ad quod damnum* to those pleas which fell under the mortmain statute. What he did do was to extend the scope of an instrument already in use and whose purpose had ever been the preservation of royal interests and rights against possible encroachment by private parties. As early as 1243 his

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23. "De concessione domini regis faciendi super inquisitionibus returnatis in cancellaria de Terris ad mortuam manum ponendi, Rex precepit, quod nihil fiat, ubi medii sunt nisi Religiosi ostendant eorum assensum Domino Regi, per Litteras patentes eorumdem mediorum sigillius signatas; Et etiam, quod nihil fiat ubi Donator penes se nichil retinet; Et similiter, ubi Inquisitiones facte sunt et retornate sine Waranto, vidilicet Brevi originali returnato cim inquisitione; Et similiter, nisi Breve originale mentionem faciat de singulis articulis, secundum novam formam per ipsum Regem adjectis etc". *Rot*. *Parl*, I, 83b No. 13 *sub anno* 20 Edward I.

father had used the writ to inquire into the nature and extent of an assart which the abbot of Combermere intended to make in his own waste or woodland.[34] The abbeys of Wardon and Coggeshall were not permitted to enclose certain of their properties; nor were the monasteries of Combermere, Rufford, Bordesley and Biddlesden to get royal charters of confirmation for their holdings until inquests had been held under the same writ.[35] Later, the same monarch extended the writ to embrace cases of alienation by religious. Whether the lands so alienated were passing into mortmain it is difficult to say but it might be reasonable maintained that they were because the entries in the lists of inquisitions concerning alienations occur only after the Provisions of Westminster were incorporated into the common law.

In any case when Edward assumed direction of state policies the variety of matters in which this writ figures remains equally broad although there is a noticable increase in its use as a precondition for alienations of property. A donation to Coggeshall illustrates this. Before that abbey could amortise a certain tenement in the town of Markshall, the inquest ad quod damnum was made. This particular alienation was the subject of a royal confirmation just one month before the prohibition against alienations in 1279. At about the same time we have an indication that the Crown was taking an interest in the extent of property which remained to a donor after an alienation in mortmain had occurred. When Thomas Loverde amortised certain of his lands to the abbey of Vaudey, the return to the writ states that beyond the gift he still remained in possession of a messuage and land.[36]

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[34] The exact date is not recorded. The land was located between Tiberton and Hull in Salop. List of Inquisitions Ad Quod Damnum, 2 pts., (London. H.M.S.O., 1904-1906), Pt. I, File I:1.

[35] Ibid., Pt. I, File I:6,19,25; II;1,30,33,35; III:20. All of the earliest writs are concerned with a variety of subjects although the information demanded is about

Further refinements followed. According to abbot Thomas Burton (1396-1399), although the writ ad quod damnum authorized the jurors to return a true extent of the land intended for amortisation, one of the chancellors (unnamed) ordered that evaluations be doubled before they were applied against the sums stipulated in the general licences. The result was that those who possessed such dispensations "are able to appropriate to themselves tenements to scarcely half the annual value allowed, and no more." At a later time, he

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the same in all cases. cf. Tanner, p. 404; Monasticon, V, 451, 519; CPR(1266-12720, p. 445.

[36] IAQD, Pt. I, File I:10; CPR(1272-1281), p. 233 dated 12 Nov. 1279; File IV:17; Monasticon, V, 492, No.5 under Leicester. Note also the observations of E.G. Kimball, Serjeantry Tenure in Medieval England, (New Haven: Yale University Press, 1936), p. 208 seq.

avers, a "certain statute" was formulated which made it a condition that alienators had either to pay a fine equivalent to five times the annual value of their amortisements or apply an equal sum to the liquidation of their general dispensations. "But then a short while ago" the chancellor raised the fine or the assessed value of the land from five to twenty times its true value. To substantiate his first claim Burton cites the case of Meaux's alienation of a certain property in the city of York. The jury had reported the yearly value of the property at 40/- but in the charter allowing the alienation it is stated that the amortisation was in "part satisfaction of £4 yearly of a licence" allowing to alienate lands and tenements to the yearly value of £30.[37] In support of his last contention he adverts to his abbey's purchase of a reversion at Waghen. There the jury assessed the value of the property at a half mark annually. However, the chancellor Thomas Arundel, Archbishop of York, gave them the choice of either applying the sum of 9 marks against their general licence or paying a fine of 10 marks. They chose the latter course.

The formulae ascribed to chancery by the abbot of Meaux are not easy to confirm or deny definitively. Extent muniments

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37. Meaux, III, 217-218; CPR (1381-1385), p.291; IAQD, File 401:6

contain no instructions relative to the overvaluation of returns. Yet there is no denying the fact that local assessments were doubled, trebled and even amplified to as much as five times.[38] It has been suggested that the crown intended to express "the real as opposed to the nominal value" of the alienation.[39] Certainly the wording of several licenses lends support to that view. Thus when Walter Geremuth illegally amortised land in Eastham to Stratford abbey and was discovered, Richard Clare, the escheator-beyond-Trent, was delegated to enquire into the action. He found that the land was held of a certain John Lancaster by the service of 3/- a year but "which is worth beyond that service 17/- according to its true value."[40]

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[38] CPR(1324-1327), p. 103;(1330-1334), p. 558;(1334-1338), p. 72;(AQD, File 180:1;228:6;233:8;238:5-6 where they are doubled and more. For instances of a greater amplification see CPR(1338-1340),p.520;(1340-1343), p. 192; IAQD, File 255:16; 256:11.

[39] Myers, Butley Priory, p. 196, has tabulated the value of a series of licences issued under a general warrant and found that it was fully drawn on when hardly two thirds of its face value had been reached. For a Cistercian example see the licence issued to Salley in January 1352 for £10 and its satisfaction after allowances of only 35/10 were made. CPR(1350-1354), p. 210; (1361-1364), p. 311;(1377-1381), p. 446;IAQD, File 343: 12;393:18;414:3.

[40] CPR(1317-1321), pp. 317, 611; IAQD, File 135:11. For earlier examples of this expression. Ibid. (1313-1317), pp. 34, 374; IAQD, File 113:11. Doubtless the expression is founded upon the revised valuations of property undertaken at Nicholas IV's request and brought up to date by subsequent revisions. Note, S.K. Mitchell, Taxation in Medieval England, pp. 121-123.

Similarly, it is not uncommon to find general licences ordering that the land alienated under its warrant be extended at its true value.[41] It should be remembered, moreover, that local sentiment generally favoured local institutions and inasmuch as there was little identification of the countryman with the legislative activities of Crown and feudatories, it is not unlikely that many proposed amortisations were deliberately undervalued.[42]

Burton is quite accurate when he connects the process of overvaluation with the fine. To many this institution appears as another revenue yeilding device, or, a form of compensation exacted for the losses which would result from the alienation.[43] Both interpretations are to some degree valid. But to assign to either, or to a combination of both, the complete answer to the amortisation fines establishes, I believe, a distorted picture. The better view of the institution is that it was but another facet in the gradual elaboration of the alienation process. Up until 1299 few fines appear to have been levied for the licence, after that date they become a conspicious and regular feature in such instruments.[44] Likewise, when the fine begins to be levied only rarely is the amount of it recorded. Not until the closing months of 1310 are the sums imposed inscribed.[45] At a still later date the value of the land being amortised is sometimes indicated in the licence. Such instances permit one to attempt to find a correlation between the fine and the alienation.[46] Quite often these bear out Burton's contentions but just as frequently they do not. Two examples will suffice to illustrate this point.

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[41] CPR(1313-1317), pp. 442, 475.

[42] Graham, English Ecclesiastical Studies, pp. 283-296

[43] Myres, Butley Priory, pp. 195-196; Wood-Legh, Church Life, pp. 62-64; Bishop, Monastic Demesnes, p. 305; T.F.T. Plucknett, A Concise History of the Common Law,

In May of 1361 the abbot of Tilty paid 100/- for a charter to alienate a messuage, 60 acres of land, meadow and pasture in addition to 3/8 in rent. In May of the next year Waverley abbey paid one mark for a messuage, 101 acres of land, meadow, moor and heath, 30/4 rent as well as the rent of 1½ pounds of pepper.[47] By whatever criterion Waverley's grant is much the better one. Why this should be so is hard to say although in many a case a licence will intimate the

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(London: Butterworth & Co., 1940), p. 484.

[44] Whether or not the mortmain fine is a consequence of the implementation of the statute De Finibus Levatis of the same year is hard to ascertain. Certainly the crown was favouring the extension and scope of the institution. Note Salley"s pardon CPR(1292-1301),p. 43.

[45] CPR(1292-1301), p. 422; CBF, Nos. 188-189.

[46] Ibid.(1334-1338),pp. 98,251,436;(1338-1340),p. 520; (1340-1343),p.6;IAQD, File 233:8;238:5;243:13;255:16.

[47] CPR(1361-1364), pp. 15,216;IAQD, File 339:7;342:10.

reason for the mitigation of the fine. Bruern received a general licence for which nothing was paid "at the instance of...the king's confessor; Citeaux acquired one by virtue of a boon it had granted the king in Scarborough; Scottish depredations account for one of Rievaulx's dispensations while Stanlaw (Whalley) was given one on the birth of Edward of Carnarvon.[48] The greatest unfined amortisation was made to Whalley by duke Henry of Lancaster the "most trusted and beloved" of Edward III's friends. This licence permitted the alienation and reversion of 2 cottages, 2 messuages and 552 acres of land, pasture, meadow and wood.[49] Political considerations also influenced the granting of fine free licences as those to the abbeys of Garendon and Rewley "on the request of" Laurence Hastings, earl of Pembroke, and Lord Darcy of Knaith attest.[50] The best opinion we can offer about the fine, therefore, is that it involved like the licence itself, that its size was generally dependent upon the whim of the Crown, that its absence, if not explained, rests on political, religious, social and other factors.

While the great majority of mortmain dispensations concern themselves with the acquisition of fresh or new property, there are some which deal with the amortisation of land already held in fee by the grantee.[51] Indeed, as we have already had occasion to note,[52] the first dispensation granted to a member of the Order contained the specification that the land to be alienated was land of their own fee. The question which poses itself first in this connection is, was there any attempt by the White Monks, individually or collectively, to convert their fee holdings into mortmain ?

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[48] CPR(1307-1313), p. 388; (1317-1321), p. 448; (1330-1334), p. 47; (1281-1292), p. 63; CBF, I, 113-116.

[49] Ibid. (1358-1361), p. 506; (1361-1364), p. 88

[50] Ibid. (1340-1343), p. 506; (1361-1364), p. 88

All the information we have been able to muster suggests that this was the case. Two points bear close attention in this regard. First, during the years following immediately upon the law's enactment it is interesting to note that more than one-quarter of the licences issued allowed fee amortisations.[53] This figure bulks large enough for us to conclude that individual communities were more than willing to alienate their fee holdings. Exactly how many were intent on such a policy we have no positive means of ascertaining, nor, is it probable that we shall ever know because only those petitions which were heard favourably are entered on the Rolls. It is reasonable to assume, however, that there were many others in view of the fact that the conversion of fee lands would prove much less expensive, less liable to result in litigation and, in some cases, he far more profitable than properties purchased or received by gift in mortmain.[54]

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[51] This points to the fact that the law was intended to prevent this type of alienation also. A study of the Inquisitions leads one to the same conclusion. IAQD, File 7:4;136:19;187:7. A later glossator even suggests that a special writ was formulated for fee appropriations. FitzHerbert, New Natura Brevium, 233H.

[52] supra, p. 164.

[53] Eight were issued in the time of Edward I. CPR(1281-1292), pp. 20 (Waverley), 22 (Newmister), 159 (Garendon), 324, (Garendon), 444 (Forde), 464 (Louth Park), 474 (Revesby); CCR(1279-1288), p. 230 (Basingwerk). The first four of these were issued between the years 1282 and 1289.

Why then are not a greater number of licences of this sort recorded ? Two answers can be proposed. The most opportune and logical time for a petition for fee appropriations would occur when a parcel or parcels of land were about to revert or had just reverted. If, on the other hand, the monks petitioned only at such times then the number of pleas would naturally be inhibited and this does not seem to have been the case inasmuch as only in one instance is a reversion specifically mentioned, although in two others they are suspect.[55] At the same time it is even more probable that the Crown had grave reservations about issuing this type of

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54. cf. the observations of S.J.A. Evans, "The purchase and Mortification of Mepal by the Prior and Convent of Ely," EHR, LI(1936), 113-120.
55. CPR(1313-1317), p. 115.

licence, feeling perhaps, that if it should do so widespread attempts would be made to evade the law in this way. Evidence supporting the latter explanation is to be found in the record of the Easter Parliament of 1290.

At that time, the Cistercians, claiming poverty, petitioned that they be allowed to appropriate their own fee lands and bolstered their plea with the argument that otherwise the lands might fall into alienas manus and so cause grave damage to the Order. The Crown's reply affords clear proof that it could not make up its mind on the whole question of fee conversions, despite the fatuous remark that it did not have counsel at that time in order to make such a general concession.[56] This ruling evidently satisfied the White Monks for they raised no similar pleas in the following reigns nor did the crown ever resurrect the issue. At all events chancery was governed by the king's reply with the result that from 1290 to 1377 only twenty two other permits of this category were issued to their houses.[57] An analysis of the amount of land so converted supports this argument. The abbey of Kirkstall acquired four dispensations of this species over a period of thirty years but succeeded in amortising only 346 acres, and, with the exception of Basingwerk, that house appropriated more of its land than any other licencee.[58] Within this sort of catagory too there are a few allowing the conversion of fee lands up to a specified annual value. Three houses, Waverley, Newminster and Forde were so privileged but the overall value of the three does not exceed £16-6-8, a sum

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[56] "Abbates ordinis de Cistercens in Anglia petunt, pro paupertate sua, quod possent se appropriare de feodis suis propriis, ne deveniant ad alienas manus ad grave dampnum eorum. Responsio - Rex non habet consilium nunc concedendi ita generaliter". Rot. Parl. I, 51, No. 69.

[57] Edward II's chancery issued twelve. CPR(1307-1313), p. 592 (Kirkstall); (1313-1317), pp. 34 (Roche), 115 (Robertsbridge), 374 (Stratford), 518 (Beaulieu), 635 (Forde); (1317-1321), pp. 38 (Forde), 341 (Fountains), 376 (Roche),

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521 (Merevale), 526 (Rufford); (1324-1327), p. 161 (Kirkstall). Under Edward III nine are recorded. Ibid. (1327-1330), pp. 27 (Cîteaux), 542 (Newneham); (1334-1338), p. 401 (Louth Park); (1343-1345), pp. 267 (Bindon), 528 (Newenham); (1345-1348), pp. 197 (Kirkstall), 273 (Stratford); (1345-1350), pp. 274 (Kirkstall), 473 (Woburn). Richard II permitted only one. Ibid. (1377-1311), p. 10 (Woburn).

[58] CCR (1279-1288), p. 230. The licence which Basingwerk procured permitted the purchase of lands of their free tenants in the manor of Longdenesdale which were to be sold. The following table indicates the amount and type of fee lands appropriated 1279-1399. (acres-bracketed).

Type	Ed.I	Ed.II	Ed.III	Rich.II.	Total
Mill	----	--1--	------	-------	--1--
Rent	----	£10-17-2	0-15-2	£10-4-4	£21-6-8
Toft	--3-	--2--	--1---	-------	--6--
Messuage	--4-	--15-	--10--	-------	-29--
(Land	-226	-430-	-706--	-------	1362)
(Pasture	----	-----	-166--	-------	-166)
(Meadow	--8-	-13½-	--51--	-------	-67½)
(Wood	----	--46-	-27½--	-------	-73½)
(Moor	----	---5-	------	-------	5)
(Marsh	----	-----	--50--	-------	--50)

which precludes any large scale conversions.[59] Thus we can assume that the monarchs were not inclined to be as liberal in issuing licences for fee appropriations as they were for other kinds of alienations.

For their part the men of religion were not averse to exploiting the political and economic necessities of the Crown in order to procure dispensations and, if possible, to turn a tidy profit as well. Especially full information on such proceedings are to be found in Meaux's chronicle.[60] Between the years 1249 and 1280 that abbey accumulated a hugh deficit and to expedite payment abbot Richard Burton (1280-1286) and his successor abbot Roger Driffield (1286-1310) had recourse to the time hallowed shifts of demising in fee farm at term some of the abbey's estates, of selling off most of the flocks and herds and by contracting the sale of the wool clip for two years. Two of the estates demised were the village of Wick and the manor of Myton. Both were for terms of twenty years, the demisees being the dean of York, William Hamilton and his brother Adam. Shortly after this transaction had been completed word apparently reached abbot Roger that it was king Edward's intention to add to his properties at Wick. Feeling that he could make a much more advantageous arrangement with the king, Roger immediately began negotiations with the Hamiltons for the return of the estates. Five years and £1000 later Meaux was again in possession of Wick and Myton.

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[59] Waverley's licence was for 100/-; Newminster's for 2 marks and Forde's for £10. CPR (1281-1292), pp.20, 220 (1313-1317), p.655.

Edward made his first direct overtures in 1292 when he proposed an exchange of properties. In return for conventual interests in Wick and Myton the Crown promised lands of comparable value elsewhere as well as other concessions.[61] To faciliate the exchange and to show his good faith, Edward exerted influence for the conferment in mortmain of a very valuable chantry.[62] Early in February 1293 the abbot and the king executed a deed of exchange. The immediate fringe

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60. Meaux, II, 156-157, 175-176, 183-186.

61. Wick-on-Hull was an old customs port of some commercial standing. When king John levied a fifteenth in 1203-1204 it stood sixth among the east and south coast ports in the volume of trade which it carried on. Poole, Domesday Book to Magna Carta, p. 96 It is quite probable that the increasing importance of the town and the profits that could be made there decided the abbey to petition for the right to have a weekly market and yearly fair. This was granted in November 1279. C.Ch.R.(1257-1300), p. 214; IAQD, File 4:22; "Yorkshire Inquisitions," ed. W. Brown, Yorkshire Archaelogical Society Transactions, Record Series, XII (1891), p. 187. Edward wanted to remove his port facilities from Ravenser to Hull because the sea had encroached upon the former. Powicke, The Thirteenth Century, p. 634.

62. CPR(1292-1301),p. 7;CInq.p.m. I, 112, No. 122; Meaux, II, 192-194.

advantages accruing to the abbey were: a charter of free warren for all their demesne lands, a confirmation of a charter issued to the abbey by king John and certain feudal privileges.[63] More important, a unique mortmain licence was granted by which the convent could amortise lands to the annual value of £30 without the requisite inquisitions first being made.[64]

Because the king had not decided what lands would be given in compensation the treasurer, William March, was ordered to pay the monks the sum of £103-2-9, the extended value of the properties, to be held until such time as suitable lands were found. The first installment of the compensation was made in October of the following year (1294) when two manors and other property were deeded to the house. The most noteworthy aspect of this business is that the king overvalued the estates he gave the monks in the same way as later monarchs overvalued lands passing into mortmain under the general licence. Thus one of the manors, Pocklington in Yorkshire, was officially extended at the sum of £50 annually, although the true annual value, according to the chronicler, was only £43-4-3; the other manor at Wiflesby in Lincolnshire was valued at £30 yearly but its real worth was only £23-7-0.

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63. C.Ch.R.(1226-1257), p. 424; Meaux, II, 187; Rot.Chart. p.. 145.
64. CPR(1292-1301), p. 96; Meaux, II, 191.

The third property was at Waghna, the true extent of which was £2-4-8 but was assessed by the crown at £5 yearly.[65] This result was not what the monks had expected even though they also acquired another grant of free warren and a licence permitting them to alienate to another religious community a manor by which they made a considerable profit.[66] Because they felt they had not received adequate compensation, in fact they claimed a loss of £83-18-1 on the transaction, they importuned the king continually for redress during the decade which followed.[67] In 1303 they were issued another licence whereby they could exchange land for an advowson but they were not even content with that. They continued their pleas until finally they were given three royal advowsons with the right of appropriation after the death of the incumbants.[68]

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66. Meaux, II, 188-189.
67. Ibid., II, 225-226; C.Ch.R.(1257-1300), p. 161.
67. Ibid., II, 190. This figure includes the sum of £32-14-9 or the difference between the true evaluation of the lands as estimated by the king in exchange, and, the royal valuation of Wick and Myton as well as £51-13-4 claimed by the convent as rent for those lands for which no compensation had been received. These properties had been valued at £23-12-4 more by the papal assessors in 1291, scarcely a year previously. In view of the fact that the Taxatio did not represent the verus valor the remark that "At...villae de Wyk et manerii de Mytona, quae...in manibus et possessionibus regis extiterunt, a nobis extorquebat," is hardly warranted. Meaux, II, 209.
68. IAQD, File 42:21; CPR(1301-1307), p. 100; CInq.p.m. I, 183 No. 183; Meaux, II, 228-229. The exchange of the manor of Pocklington for the advowson of Naffreton was

Meaux was not alone in driving a hard bargain with the king. Passing remarks in other licences intimate that a fair amount of haggling went on and that the religious were seldom at the losing end of the action.

Yet even had all the clergy of the nation given their consent to the mortmain enactment, it would have been too much to expect that all would have held unflinchingly to their word and not attempted some sort of evasion; as it was, the few clerics present in that Parliament did not represent all ecclesiastical interests and thus official records provide us with numerous instances of clergymen and religious bodies who were implicated in conspiracies whose main intent was the partial, if not complete, emasculation of the law. Doubtless, a few White Monks embarked on such ventures because of their financial plight; hoping that their violations would escape the notice of the royal escheator and so save the outlay they would most likely have to make if they petitioned for alienation. Others perhaps harboured bitter thoughts about the seeming injustice of the measure and therefore did not

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a very profitable action, the former having the value of £50 while the latter was extended at £60 per year. Taxatio, 303b. The advowsons were those of the churches of Skypse, Easington and Kaynham. CPR(1301-1307), p. 332; Meaux, II, 191; CInq.p.m. I, 201 No. 118 The total value of these institutions amounted to £80-13-4. Taxatio, 304b-305; Meaux, II, 235; III, 96-97. BM Cotton, scruple to circumvent it in any way that appeared to offer the best prospect of success. More extenuating and less blameworthy reasons may account for other infractions. At all events, nearly half of all the Cistercian foundations were, at one time or another, investigated for fraud against the Statute.

When such violations came to the attention of the Crown the land or rights were immediately seized as escheat.[69] This action was usually sufficient to cause the guilty party to initiate a plea. Normally the Crown issued letters patent of pardon for the trespass as well as a licence for alienation.[70] In so doing the felonius transaction was legalized and, at the same time, the integrity of the law was preserved. Thus when Salley abbey was discovered to have illegally amortised land, the abbot was summoned to appear in the eyre court of Lancashire to answer for his offense and to show cause why

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Vitellius C vi, fols. 52v-53r.

[69] This is clear from the letters of pardon wherein the expressions "recovered" and "restitution" continuously appear. cf. CPR(1292-1301), p. 43;(1307-1313), p. 217; IAQD, File 107:3. See also the seizure order to the sheriff of Devon respecting the manor of Otery. CFR (1272-1307), p. 78; CPR(1272-1281), p. 123.

[70] The first religious to attempt fraud against the law were the monks of Shireburn. CPR(1281-1292), p. 192. An earlier entry concerned with this community is to be noted. Land was occupied with royal consent: it is not clear whether or not it was amortised but the abbot was allowed to retain it in that manner upon payment of

the land was not forfeit. The amount of the property alienated was not extensive - sixteen acres in all - and because he could not prove his right, he was amerced for the the sum of 10 marks. The presiding justices, however, permitted the abbey to retain the land and quitted them of the annual rent of 8/-. Later, the abbot petitioned for an amortisation licence and this was granted after a very heavy fine was imposed. Only four other pardons were issued to houses of White Monks in the time of Edward I and one of these seems really to have been granted by his son.[71] Contrasted with the total bumber of acquittances issued and fines levied in the period from 1279 to 1307, those involving Cistercians form only a small portion. Under Edward II and his successor although the numbers increase the overall percentage of pardons to licences remains about the same. In all some twenty seven remissions were issued to Cistercian offenders most of which were accompanied

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of a fine of 50 marks. CPR(1272-1281), p. 215.

71. CPR(1292-1301), p. 43 Merevale was sued for a similar infringement a little later and its fine was also commuted. Ibid.(1301-1307), p. 116; IAQD, File 39:6 Bruern was a third house pardoned. Ibid.(1301-1307), p. 522. In respect to the fourth letter of remission it is to be noted that Edward I died on 15 July 1307 some four months after this licence is dated as having been issued on 8 February 1307 yet it is recorded as having been granted by Edward II. Apparently it was issued by Edward II but made retroactive to the date of the alienation. The same property was subject to an inquisition as late as 1336 and it is there stated "that the

by heavy fines.[72]

In truth the Crown possessed in the fine no insignificant deterrent against violation. Two cases suffice to demonstrate the harshness of the penalties. Hulton abbey amortised the advowson of the church at Audeley without a dispensation and was fined 200 marks. Although this charge was later reduced by half, it bears no relation to the £6-13-4 which the papal commissioners of 1291 assessed as its value.[73] So also Robertsbridge alienated property illegally; the value of the land usurped was only 6d but the fine was set at half a mark.[74] But not all offenders were so severely punished; here one discerns the same operative factors at work as noted in the general licence. Expediency or favoritism may explain

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late king (Ed.III) pardoned the abbot and convent of that trespass." Ibid.(1333-1337), p. 544.

[72] Boxley, Basingwerk, Beaulieu, Stanley, Jervaulx, Buckland, Dieulacres, Stratford, Coggeshall, Rewley (2) and Sibton were sued under the statute in the reign of Edward II. CPR(1307-1313), pp. 153,155,271,285; (1313-1317), pp. 3,194,213,332,374,518; (1317-1321), pp. 43, 412,441. Under Edward III, Boxley, Cleeve, Stanley, Newminster, Stoneleigh, Robertsbridge, Newenham, Hulton, Wardon, Rewley, Dieulacres, Beaulieu and Biddlesden received letters. Ibid.(1327-1330), pp. 367,398,419,524; (1330-1334), pp. 109,383,516; (1348-1350), p. 413;(1350-1354), p. 41;(1358-1361), p. 565;(1361-1364), p. 88; (1364-1367), pp. 33,424;(1367-1370), p. 238; IAQD, File, 206:20;205:16;210:20;216:12;221:203;53:3 Rewley and Whalley alone were infringers of the law in the time of Richard II. Ibid.(1377-1381), p. 590;(1391-1396),p. 202

[73] CPR(1348-1350), p. 413;(1350-1354), p. 41; Monasticon, V, 715; Taxatio, 242b, 243b.

why some persistent offenders were able to escape with relatively light fines; Stratford and Rewley were each pardoned on four seperate occasions.[75] These of course are the exceptions. Still, houses like Coggeshall, Newminster, Stratford and Tintern appropriated churches, alienated land and rent by fraud and suffered no punishment.[76] For the most part, nevertheless, fines were inseperable from pardons.

Our considerations have, thus far, been fixed upon the amortisation of things corporeal. Let us now direct our attention to that aspect of the Statute which bears directly upon the incorporeal. Within the miscellaneous list of items so encompassed, the advowson and the appropriation are the most pertinent. It will be noticed that neither is mentioned in the text of the law although it is clear that they fell under the shadow of its clauses. Ever since the Constitutions of Clarendon had established that rights of presentation and appropriation were subjects of temporal concern most of the litigation in respect to them was carried on in the civil

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74. CPR(1330-1334), p. 383; IAQD, File, 221:20

75. Richard II's mother, the dowager princess Joan of Kent, interceded for Rewley abbey for the free pardon. CPR (1377-1381), p. 590.

76. In Tintern's case a fine of 100 marks had been paid for a confirmation of its charters and for this pardon. (1301-1307), pp. 530-531. For the others see Ibid. (1313-1317), pp. 213, 449; (1327-1330), p. 529.

courts.[77] So esconced was royal jurisdiction in these spheres that by the date of the de religiosis Statute churchmen did not think to contest it seriously.[78] Consequently, such rights could no more be alienated in mortmain without royal permission than a piece of land or a rent. The reason for this was identical to that proferred in the instance of corporeal alienations; the self sustaining nature of the monastic or corporate rector precluded vacancies and, accordingly, the lay patron, unable to exercise his right, quickly lost it.[79]

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77. Articles I and II. Although the court christian was in the beginning recognized as the supreme arbiter in issues connected with lands in free alms (Article IX) its jurisdiction was gradually whittled away so that the assize became little more than an action to decide the title to land. For the advowson and its legal ramifications vide, J.W. Gray "The Jus praesentandi in England from the Constitutions of Clarendon to Bracton," EHR, LXVII (1952), 481-509; G.B. Flahiff, "The Writ of Prohibition to Court Christian in the Thirteenth Century," Medieval Studies, VI (1944), 272-276.

78. A few points still remained to be settled however. In Westminster II, c.5 respecting litigation about vicarages, it is implied that a rectorial presentation to a vicarage comes within the provence of the secular courts. This clause was viewed by the clergy as a usurpation and was contested. Wilkins, Concilia, II, 119; C & S. II, 965.

79. Seisin of the advowson was always deemed to belong to whoever presented last to the living even though that right may have been usurped. Action for its recovery could be initiated by the writ, Praecipe quod reddat, which brought the issue into court. There, an assize, de ultime presentatione, was undertaken. If perchance the demandant could not use the assize, a writ, Quare impedit, could be obtained to make good the plea. For this cf. P & M, II, 136-140.

Moreover, because the alienation of the incorporeal had the same effect as the amortisation of a corporeal thing, the penalties reserved for those indicted for a breach of the former were the same as those imposed on violators of the latter.[80]

From a very early date rights of presentation and appropriation were poseessed by members of the Cistercian family. Savigny and its dependencies for instance had always accepted such gifts and continued to do so long after their fusion with Cîteaux in 1147.[81] This tradition stands in sharp relief to the ideals of Cîteaux's founding fathers who prohibited the acquisition of churches on the grounds that they constituted a source of feudal income.[82] Yet within a score of years after Bernard's death the injunctions of the first fathers regarding the possession of spiritualities were more honoured in the breach than in the observance.

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[80] Edward I's reply to Archbishop Winchelsey's complaints about royal presentations to churches appropriated to the priory of Ely was that he would respect only those actions which had royal permission. Reg. Winchelsey, 1019. The wording of many licences moreover, especially those of the pardons, bolsters this conclusion. For example, Edward III recovered from the abbot of Margam as a result of a court judgement the advowson of Longeneth church "by reason of the trespass of the abbot and convent, acquiring...and appropriating the church without licence...; although the advowson could be said to be forfeit to him..." CPR(1350-1354), p. 426. Other instances of this kind are to be found CPR(1302-1307), p. 530; (1313-1317), p. 217; (1345-1348), p. 406; IAQD, I, File 102:1.

[81] Furness at its foundation was endowed with the churches of Furness, Dalton and Urswick. CBF, 455,643,657-660, 699-702, and Alexander III confirmed their possession of churches acquired before the union with Cîteaux. CBF, pp. 668-669. Henry II confirmed William son of Roger's gift of the advowson of Kirkeby Ireleth to the same house. CBF, p. 318. When earl Ranulf of Chester founded Basingwerk, the chapel of Basing was one of his first gifts. This was followed by a gift of the church and advowson of Holywell by Robert de Pierrepont. The

Both the advowson and the appropriation seem to have come into the hands of the White Monks initially as appendances to legitimate donations.[83] When, for example, king Stephen

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Cartulary of Chester Abbey, ed. T. Tait, *Chetham Society Publications*, I, xxvii, xxxii-xxxiii. The church of Glossop was given to the same abbey by Henry II. *Monasticon*, V, 262-263. Similarly Neath received the church in the castle of Neath as well as its tithes. *Monasticon*, V, 259. Gilbert de Montfichet granted the churches of West Ham and Leyton to Stafford when it was founded. For papal recognition of Savigny's customs and rights in this regard cf. J. Buhot,"L'Abbaye Normande de Savigny," *Le Moyen Age*, XLVI (1936), 256-260.

[82] *Exordium Parvum*, c. xv; *Consuetudines*, v, vii; Peter the Venerable's letter of reply to St. Bernard. Epp. I, No. 28, *MPL*, CLXXXIX, col. 141; Stephen Harding's attitude may be seen quite early in his monastic life "...From that rule [St. Benedict], which, equally supported by reason and authority, appears as if dictated by the spirit of all just persons, produce precedents, which if you fail to do in vain shall you profess his rule, whose regulations you disdain to comply with..." cf. also the *Statuta*, II, (1234:1); Knowles, *MO*, p. 351 in citing Swineshead and Furness as early examples of Cistercian relaxation has overlooked the fact that both are Savigniac affiliations. He is on much firmer ground when he points out the case of Dore. When the monks of St. Mary's seceded one of the reasons they advanced for their action was that St. Mary's reaped the income of many parish churches while not allowing sufficient provision for the poor. *Monasticon*, V, 294.

[83] The use of the word appendances here is intentional. The

gave the vill of Netham near Alton to the community at Waverley, the church at Farnham was included in the gift.[84] As the senior establishment of the Order in the kingdom and, as the esteemed mother of eleven first generation houses, Waverley's observances in such matters no doubt influenced the attitudes of its affiliates and lesser houses.[85] Sometimes too an exchange of property would involve advowson rights as occurred in the business surrounding Pipewell abbey and the church at Carleton.[86] Parochial privileges and interests not infrequently were entailed in manor purchases.[87]

Most of the early English fathers, even including some of those of the Savigniac branch, were quite scrupulous and

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distinction drawn between "appendance" and "appurtenance" is validly made. P & M, II, 138

[84] Monasticon, V, 237.

[85] Forde abbey secured Thornecombe church along with the manor of that name from the viscountess Adelicia C. 1137-1142. Monasticon Diocesis Exoniensis, ed. G. Oliver, (Exeter, 1864), p. 346, and in an assize de ultima praesentatione, initiated by William of Flanders against the convent it appears that the chapel of Holedich was appendant to the land which they were given in that place. Ibid., p. 347. Bordesley also acquired land and the church of Tardebigge from Henry II and Maud in the same grant. C.Ch.R.(1257-1300), pp. 17,63-66; Monasticon, V, 409 and the church of Claverdone along with land. (p.410). Similarly Stoneleigh got the advowson of Radeway in a land grant. C.Ch.R.(1300-1326), p. 487 For Thame abbey and Talmarsh church see Monasticon, V, 405.

[86] Monasticon, V, 431.

[87] Meaux, II, 132-136; Monasticon, V, 368; CBF, I, 209. the cartularies are filled with such entries dating from the thirteenth century and onward.

successful in reconciling capitular injunctions regarding the solitary life and the reception of such endowments. Their solution was simple and was achieved by either destroying or removing such churches as came into their hands. Most frequently the obliteration of parochial institutions went hand in hand with the reduction and incorporation of the adjacent lands or manors into their grange systems.[88] A celebrated instance of this sort of activity is recorded in the account of Kirkstall's foundation. In 1147 Henry de Lacy gave the vill of Barnoldswick _cum omnibus appendiciis suis_ to the monks and the abbot, Alexander (1147-1182), wishing to ensure the peace and quiet of the monks, caused the church to be pulled down. Immediately the parishioners raised the hue and cry at the courts of York and Rome but their protests were unavailing as both metropolitan and pontiff found for the monks, their former brethern.[89] The same pattern can be discerned in the story of Byland's establishment about this time. There, Archbishop Murdac permitted the monks to rase the old parish church and replace it with a conventual chapel when the vill was reduced to a grange.[90] Somewhat later Meaux abbey was the defendant in an action brought by the priory of Gisburn at the papal court. The prior claimed that the Cistercians had destroyed the chapel at Myton, a dependency of Hesell parish church whose living belonged to his house.[91] There is good reason to believe, nevertheless, that such depredations took place only when the church or chapel was located in the near vicinity of the cloister.[92]

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[88] T.A.M. Bishop, "Monastic Granges in Yorkshire," _EHR_, LI, (1936), 191-214; J.S. Donnelly, "Changes in the Grange economy of English and Welsh Cistercian abbeys 1300-1540," _Traditio_, X (1954), 399-458; M. Beresford, _The Lost Villages of England_, (London: Lutterworth Press, 1954), l. 152-153.

[89] _Monasticon_, V, 530.

A few years after the destruction of Barnoldswick church, two of the parochial vills attached thereto, namely those at Bracewell and Marton, had churches built for them by the monks.[93] The same line seems to have been followed at Barnoldswick itself once the community was removed to the more suitable Kirkstall.[94] Although our records are thin in respect to the spiritual provisions made for such displaced populations as those of Accrington, Aldworth, Cryfield, Rufford, Smite and Stapleton Terne, it is inconceivable that they were left to shift for themselves.[95] Indeed those about which we have any information at all implies that whenever the countrymen were directly affected some provision was made for them either by the grantor or the grantee.[96] When Stanlaw was deeded the vill of Acton the community was also given permission to settle men there to cultivate the ground. At

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[90] Monasticon, V, 351

[91] Meaux, I, 426. Among other gifts to Meaux Robert Stuteville gave a wooden castle, Ibid., I, 99, which was later dismantled and used in the construction of the abbey's stables and other buildings. Similar examples are to be found at Basingwerk. CCR(1279-1288), p. 230; Kingswood, Ibid.(15-16 John), pp. 74-75; Rufford, C.Ch.R.(1257-1300), pp. 264-265; Rievaulx, EYC, II, 288; Cart. Rievaulx, pp. 174-175,222.

[92] Donnelly, Changes in Grange Economy, pp. 412-413.

[93] CBK, pp. 90-91; EYC, III, 164.

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94. *Monasticon*, V, 530-531.

95. For Accrington and Stapleton Terne confer J.S. Donnelly, *Changes in Grange Economy*, p. 411 Aldworth village was located near Newminster and was partially owned by the monks. By the mid-thirteenth century it was being referred to as a field or grange. *Cart. Newminster*, p. 41; *Monasticon*, V, 400 As we have already noted (p.110) Stoneleigh was first settled in Cryfield grange and the tenentry there was moved to Hurst. M.W. Barley, "Lost Villages of Nottingham," *The Listener*, VII (1955), 795-796; "Cistercian land clearance in Nottinghamshire," *Nottingham Medieval Studies*, I (1957), 75-89. For Combe the remarks of, R.A. Donkin "Settlement and Depopulation on Cistercian Estates during the Twelfth and Thirteenth Centuries especially in Yorkshire," *BIHR*, XXXIII, (1960), 147 are pertinent.

96. When the White Monks were given land in Revesby, Thirsby and Stichesby by the earl of Lincoln the occupants were given the opportunity to resettle elsewhere or be manumitted. A few chose the former course although the majority opted for the latter. *Monasticon*, V, 454. At Rufford, an agreement between the abbot and villagers was struck and eight families sold out their rights. See, *Facsimilies of Early Charters from Northamptonshire Collections*, ed. F.M. Stenton, *Northampton Record Society*, IV (1930), 4 n2. Instances involving Boxley, Fountains and Sibton may be found in *Monasticon*, V, 305, 461, 559. In 1301 Bishop Halton of Carlisle permitted the abbot and convent of Holm Cultram to build and erect a parish at Skinburness. *Monasticon*, V, 395. In this connection cf. *supra*, pp. 106-107. Grant made in the gathering at that abbey and resulted from the large increase in population because of royal activity there.

Rossal in Lincolnshire during the first years of the thirteenth century Dieulacres was colonizing its estates there with nativi who had been given to them by various patrons.[97] These people certainly did not go unprovided for spiritually.

Once the White Monks recognized their responsibility in ensuring the continuance of or the provision for divine service at old churches or in those newly erected by themselves within their estates it was but a short step - and a natural one - to undertake the whole government of them. There were more impelling reasons for the assumption of parochial charges. As the number and extent of land benefactions began to fall off toward the end of the century and with the growing indebtedness of many communities, not to speak of the natural disasters which afflicted not a few, the fiscal attractiveness of churches became increasingly irresistable.[98] Doubtless too the fact that spiritualities were exempt from royal impositions encouraged them to augment their resources in this way. Finally, the special prerogatives of their Savigniac brethern in respect to appropriations could not but have assisted in

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97. CBW, II, 385-386,392; G. Wrottesley, "The Chartulary of Dieulacres Abbey," Collections for a History of Staffordshire, ed. William Salt Archaelogical Society n.s. IX (1906), Nos. 56-57,156,158-162. Note also the records of Vale Royal for the manors of Conwardesley, Darnhall and Weaverham. LBVR, p. 140

98. Knowles, MO, pp. 356-358; RO, I, 67-69.

the erosion of any lingering inhibitions. The frequent admonitions of the General Chapter at the turn of the century is evidence enough that it was powerless to prevent such widespread flouting of the law.[99]

The drift away from principle did not escape the more ardent critics of the Cistercian religious; the Welsh houses were charged with shamelessly plundering parish revenues as early as the 1170's by a Benedictine compatriot, Giraldus.[100] His sentiments were echoed by Walter Map who asserted that "they seize the possessions and patrimonies of churches as their own and use their exemptions as a privilege for covetousness."[101] Although these strictures are not wholly merited[102] it would be folly to deny that the White Monks were not coming on strong in the race for spiritualities, or, that many of them were not as sharp in the commerce of appropriation as they were in the exploitation of their wilderness estates. Furness abbey provides us with evidence about the legal ploys engaged in by the Savigniacs. In 1208 when Conishead priory laid claim to the chapel of Hawkeshead as a dependency of their church at Ulverston the monks of Furness, who maintained that it belonged to their church at Dalton, entered a counterclaim to the churches of Pennington and Ulverston on the grounds that both were affiliates of Uswich church, one of the abbey's earliest endowments. This caused Conishead to withdraw its claims in return for a similar concession and a few inconsequential payments by the monks.[103] In 1228 the same abbey shared the appropriation of four churches with Archbishop Gray of York who reserved one and a half churches to his see and ceded the other two and a half to the monks.[104] Fountains also struck a bargain with him; the church of Kirkby Ousebourne was exchanged in 1217 for rather significant benefits,[105] although on the other hand, Meaux, its youngest daughter, was not so fortunate in its dealings with the same prelate. Sometime between 1225 and 1227 Walter revived the claims of his see to the church and lands at Waghen. Abbot Richard of Ottringham (1221-1235), described by Burton as a *vir pacificus et omnia placita abhorrens*, on the verge of victory in the suit suddenly became frightened at the prospect of further litigation and, in spite of the protests of his monks, abdicated the convent's rights in the church and agreed to pay a rent for the land.[106] This trade formed but an insignificant part of the great volume of appropriations taking place at the turn of the century in England although it is clear that by the middle of the thirteenth the White Monks had acquired a rather unsavoury reputation for their implication in it.

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[99] Statuta, II (1214:57),(1215:63). Note the warning also of the chapter relative to archdeacons. Ibid., II(1255:41).

[100] Giraldus, IV, 177.

[101] Map, p. 58.

[102] Knowles, MO, pp. 662-667.

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[103] *CBF*, pp. 646, 650. One of Furness' daughters was involved in appropriation proceedings at this early date also. The monks of Wyresdale (later moved to Woney, Ireland) converted the church of St. Michael on Wyre in the years between 1193 and 1196. They engaged a chaplain to carry out the parochial duties for which they "granted him land near the church and half a mark yearly for his vicarage." *VCH*(Lancashire), II, 14.

[104] *CBF*, pp. 318, 653.

[105] *The Register of Walter Gray*, ed. H. Raine, *Publications of Surtees Society*, LVI (1870), pp. 131, 141.

Various measures were initiated by the Roman pontiffs from the time of the Third Lateran Council (1179) to safeguard parochial institutions, to regulate the process of appropriation and to curb abuse.[107] But it was an uphill battle. At the height of the struggle Innocent IV wrote to John of Kent his legate in England, outlining a program for a reform. His remarks clearly disclose the magnitude of the problem:

> Some abbots and priors, members of the exempt as well as non-exempt orders, looking only to their own advantage illegally acquire the patronage of parish churches under colour of purchase or through fraudulent agreements. Then

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[106] Meaux, I, 407-409. For a list of the churches appropriated by Cistercians with royal approval cf. Appendix "G"

[107] C.J. Héfèle & J. Leclercq, Histoire Des Conciles D'après Les Documents Originaux, 8 vols. in 16 pts., (Paris: Letouzey et Ane, 1907-1921), V, pt. 2, 1086-1112. Sacrorum Conciliorum Nova et Amplissima Collecta, 53 vols., ed.

> contrary to the laws of God and Church, they audaciously proceed to convert them to their own uses or to their colleagues whether they have the bishop's permission or not.[108]

The legate made little headway. Five years later (1259) in a formal complaint to the Apostolic see about provisions to English churches, the barons asserted that they had originally endowed religious establishments with advowsons because they believed that they were better qualified than themselves to chose suitable persons to fill parochial offices. But their intentions had been thwarted as the monks had, through covert and devious means, succeeded in appropriating the churches.[109]

J.D. Mansi, (Florence, 1759-1798), XXX, 224 No. 10

[108] Luke Wadding, *Annales Minorum*, 30 vols., ed. J.M. Fonseco, (Florence, 1931-1937), 404-405 No. 358.

[109] *AM*, I, 487 Letter of Alexander IV in reply to the baronial complaints about papal provisions. "... quod vos et praedecessores vestri, attendentes, apparentiam sanctitatis virorum religiosorum ejusdem regni, qui salutem animarum et sustentationem pauperum, quaerere videbantur, jus patronatus ecclesiarum hujusmodi ad vos spectans in ipsos liberaliter transtulistis, quo potestatem haberent eligendi personas idoneas episcopis praesentandas, per quas animarum salus et sustentatio pauperum ageretur." One could hardly expect the religious to refrain from these activities when the pontiffs themselves set such low standards of behaviour in the matter of provisions. The complaints of the barons against appropriations would in the following generation be directed against provisions by Rome. Tweng's protest against the latter in 1231 is part of the baronial discontent, Powicke, *The Thirteenth*

Canon twenty-two of the legatine council presided over by Cardinal Ottobuoni in April of 1268 singles out the White Monks as being among those who "avaritiously consume everything that issues from an appropriated church."[100] Notwithstanding these protests, whether synodal and legatine legislation or the fulminations of the papacy, the movement continued. Four and a half years after the enactment of the mortmain statute Archbishop Pecham was prompted to say to Edward I of the Cistercians:

> Although they are good men, if God please, they are still the most difficult neighbours that prelates and parsons could have. For where they plant their foot, they destroy villages, take away tithes and curtail by their privileges the powers of the prelacy.[111]

To place in opposition to this wave of evidence I have been able to locate only a single passage to testify to a will to abstain from appropriation. Many of the monks of Meaux demured from abbot Leven's intention to appropriate Easington and for five years they prevented him from doing so. Even in this case, however, it would seem that they baulked not on principle but because they feared the great expense.[112]

Century, pp. 45-46.

110. *C & S*, II, Pt. 2, 770-771; Wilkins, *Concilia*, II, 10-11.

111. *Registrum Epistolarum Johannis Peckham, Archiepiscopi Cantauriensis*, 3 vols., ed. C.T. Martin, *Rolls Series*,

The profits accruing to a religious establishment from an appropriation were often quite considerable and may have been looked upon as a better source of revenue than the customary tillage of the soil. The later thirteenth century appropriations of Whalley, Skipsea and Rillington churches are particularly revealing. In 1296 when the monks of Stanlaw moved to Whalley earl Henry de Lacy used his influence to secure the conversion of the parish church and its dependent chapels to the new abbey. The estimated annual value of the church was £200 of which the sum of £27 was expended each year in meeting the parochial charges. The remaining £173 per annum went into the abbey's coffers.[113] On the east coast at Skipsea Meaux abbey manoeuvred control of the church there which was valued at £23-6-8 a year. Ordinary charges against it amounted to £11 and when added to other encumbrances the monks were still able to clear almost half the yearly issues.[114]

No. 77 (London, 1882-1886), II, 726-727. 769-770.

112. Meaux, III, 6, "pluribus de tamen de conventu reclamantibus, enormia damna et a necdum natis deflenda publice protestantibus eventure, abbas sui cordis propositum assequi nitebatur."

113. Royal licence for the alienation was granted on 24 Dec. 1283. CPR(1279-1288), p. 109; CBW, I, 186-189. Henry de Lacy's charter is dated 1 Jan. 1284. CBW, I, 189-191, and the assessment of income and expenditure is to be found in CBW, I, 205-206. Few of the surviving coucher books of this period are as valuable as Whalley's.

114. Meaux, II, 235-236; CPR(1296-1302), p. 332; (1307-1313), p. 226.

Rillington church on the high road between York and Scarborough was converted to Byland which already held the advowson. After providing a healthy 10 mark living for a vicar the community tapped it for something more than 20 marks per annum.[115] Yet as we have intimated there was another and darker side to the coin. Quite often large sums were laid out in obtaining clear appropriation titles. Indeed, some outlays were so large as to nullify for long periods of time any pecuniary advantages which such conversions might have had for the alienator. To this, abbot Hugh Leven (1339-1349) could bear witness.

In October of 1337 Edward III granted to Meaux the advowsons of Skipsea, Easington and Kayingham in full satisfaction of the obligations undertaken by his grandfather towards the abbey in regard to the business of Wyke and Mytone manors.[116] Skipsea church was appropriated with only a minimum of inconvenience and expense.[117] Whereupon action was initiated for the conversion of the other two.[118] In both instances it was imperative that the abbey first prove its right of advowson

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115. Edward II' approval for this was obtained in November 1316. CPR(1313-1318), p. 506; the petition was presented in Rome, CPP(1342-1419), p. 18, and the indult is dated in February 1344. CPL(1342-1362), p. 114.
116. CPR(1334-1338), p. 541; Meaux, II, 232; supra, pp. 184-186.
117. Meaux, II, 233-235; BM Cotton Vitellius, C vi, 53v-54r.
118. Ibid., III, 6-10, 14-24.

by presenting its own nominees to the livings. To do this, however, the incumbant rectors, John Cottingham at Easington and Hugh Glanville at Kayingham, had to be persuaded to resign all rights in their charges. Cottingham's interests were acquired by the grant of the monastery's rents in Ottringham, Dymelton and Routh for his lifetime and which amounted to more that £100 by the year. At the same time the abbot succeeded in inducing Glanville to yeild up his interests in Kayingham on the grant of a £40 annuity and a promise of the living at Easington whenever it fell vacant. Hence, within a day or two of the agreement with Cottingham, Meaux exercised its rights of presentation by nominating Glanville to Easington and one John Bothby to Kayingham. That there was no question in law as to the possession of the advowsons, proceedings for their appropriations could be entered upon.

An appropriation plea was launched at the metropolitan court at York on the pretext that a widespread flooding of the abbey's estates made it quite impossible to bear the taxes, exactions, contributions and other impositions laid upon them. On Archbishop William Zouche's mandate inquests were made and depositions taken at Routh church in respect to Easington and _in capella nostra in bosco_ in regard to Kayingham. The evidence being favourable, both churches were incorporated to the monastery on condition that provision be made for a vicar, the archbishop and the dean and chapter of York. It was one thing, however, to obtain the licence of appropriation and quite another to impliment it. Once again the incumbants of the two churches had to be bargained with if the vicarages at both were to be founded. Two years of dickering with Hugh Glanville led to his relinquishment of Easingtom in return for an annual pension of £80. As for John Bothby, a composition was arrived at only after five years of negotiation. He abdicated his interests in exchange for an annuity of 50 marks. Thus the abbot engaged to pay £120 to enforce his advowson rights and £113-0-8 to clear the path for the establishment of the vicarages. His disbursements did not end there. Several lesser claims remained to be satisfied; pensions in the amount of £4-13-4 for the archbishop and £2-6-8 for the dean and chapter were reserved; the portion set aside for the vicars amounted to £12 apiece and the procuration fees of the ordinary and the archdeacon totaled 15/-. All of these items were to be made annually and for ever. Another obligation which the abbey assumed when the conversions were made was the payment of 61½ quarters of corn to the provost of Beverley. When everything is taken into account abbot Leven spent approximately £210-0-0 for institutions which had an assessed value of £57-6-8 by papal reckoning.[119] Having lavished so much time, attention and substance on this business one would have thought that the convent's rights in the two parishes were impeachable. As it turned out the monks were almost put out of possession and on two occasions at least additional sums were spent to preserve their investment.

Shortly after all this business had been transacted, - the exact date is uncertain - several prominent men of the area represented to the Crown, for reasons best known to themselves, that the abbey had obtained its royal grant and licence by gross misrepresentation. Upon inspection at chancery it was found that the charge was spurious and the king subsequently reaffirmed the conversions.[1200] A more serious and legitimate threat appeared immediately after the treaty of Bretigny-Calais which closed the first phase of the hundred year contest between the English and French in 1360. The abbot of St. Martin of Aumâle, a Benedictine house in the archdiocese of Rouen, revived his advowson rights to these

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119. Taxatio, 111-112.

120. Meaux, III, 17. Those named are William and Richard de la Pole and the royal escheator in Holderness, William Lengleys. The de la Pole brothers had dealings with the White Monks of Waverley about this time by reason of their positions as banker and butler respectively to Edward III. See CCR (1333-1337), pp. 170, 281; (1337-1339), p. 155; (1339-1341), p. 318; CPR (1327-1330), p. 317; IAQD, File 199:10. Whether or not these relations gave rise to the de la Pole hostility cannot be said for certain. The chronicler provides a capsule abbridgement of William de la Pole's rise to prominence. Meaux, III, 48. For the de la Pole's cf. DNB, XLVI, 48-50.

churches, rights which had lapsed to the Crown at the outbreak of the war and which had been exercised on various occasions since the time of Edward.I.[121] Meaux ultimately admitted the justice of Aumâle's claims and so promised to continue the pensions which had formerly been paid by the rectors but on an increased scale. This concession added another £2-15-0 to their committments. Finally, sometime before November 1375 certain clerics appealed to the Holy See claiming that the two churches had been appropriated without authority and that therefore they had been legally vacant since that time. They requested that they be collated to them inasmuch as the appointments now rested canonically with the pontiff. Abbot William of Scarborough (1372-1396) reacted by requesting royal protection and the king appointed justices and commissioners to enquire into the issue and ordered them to seize all those who had conspired against the *jus regium* wherever and whenever they could be found.[122] While royal writs sufficed to put an end to local disturbance, the abbot was assured that his convent's rights would forever remain insecure "unless a special confirmation from the Apostolic see" was obtained. To this end a monk was sent to the curia at

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121. *Meaux*, I, 218; II, 153,298; III, 116-119; *CPR*(1361-1364), p. 368.
122. *CPR*(1374-1377), p. 55 Five were appointed, the most

Avignon where the aid of two curial cardinals was enlisted on the promise of 400 florins. Even with these connections the abbey's cause shortly foundered in the web of bureaucratic technicalities. Only when they sought the help of Cardinal John Bussières, onetime abbot of Cîteaux and now one of the most powerful figures at the curia, did they gain their goal. In appreciation of his service and interest he was paid 100 florins.[123] Thereafter there was no question about the abbey's possession of the two churches.

Few appropriations were as costly as those we have just noted but all conversions entailed some kind of expense. One item which does not appear in the aforementioned case is the fine sometimes imposed by the Crown for its licence to appropriate. In discussing this imposition in relation to the issuance of amortisation licences we made the point that it was not levied in all instances. The same holds true for the permit for appropriation. The absence of the fine in respect to many conversions can be explained only on an individual basis and quite often the reasons are identical to those which led to the commutation of the fine on amortisation licences. If the king felt that a particular conversion was in

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prominent of whom was John Neville, fifth baron of Raby, amicus of John of Gaunt. DNB, XL, 262-265.

[123] Meaux, III, 186-191.

his interest he did not exact payment. This explains why Edward I, his son and his grandson issued licences for appropriation to Meaux abbey without charge. Edward I was indebted to the house for consenting to an exchange of properties and that debt was not cleared in his lifetime.[124] It became a point of honour to the Crown to liquidate it and to give evidence of its appreciation and grace; this was achieved by way of the gratuitous permit. Moreover, royal founders of religious houses eschewed such exactions where their clients were involved; Edward I extended his grace to Vale Royal in this way and Edward III followed the same policy where St. Mary Graces interests were implicated.[125]

Other fine-free licences were issued because of the intercession of some member of the royal family, the court, and those who held great favour with the king. Edmund of Cornwall, Edward I's brother, obtained such a licence for his father's foundation at Hayles and the Black Prince used his influence for the appropriation of St. Stethyent church to Rewley.[126] John of Gaunt was a major benefactor of St. Mary Graces during the reign of his grandnephew and fostered the issuance of several alienation dispensations.[127] At one time or another, the duke of Lancaster, the earls of Hereford, Lincoln, Northampton, Surrey, Warwick, Westmorland and Winchester, the bishops of Bath and Wells, Coventry and Litchfield and Llandaff as well as a chief justice used their good offices to the advantage of Cistercian foundations.[128] Members of the lesser nobility also promoted the interests of favorite cloisters although they were not always successful in having fines suspended. Very seldom does one find alienations without fine issued at the behest of members of the lower clergy.[129]

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[124] supra, pp. 184-186.
[125] CPR(1292-1301),62,437;(1348-1350),484;(1350-1354),488
[126] Ibid.(1292-1301),498;(1281-1292),451;(1350-354),533.

Canonically the only justification for the acquisition of spiritualities was poverty. Yet even as the benefits accruing from the control and administration of churches became more widely known and appreciated other extenuating pleas were summoned up to justify the process. Forasmuch as natural disaster was a frequent visitor to Cistercian houses it is not at all surprising that petitions and licences for appropriation frequently advert to grave crises caused by flood, famine and fire. Thus one William Ethyngham alienated the advowson and, with royal approval, converted *in proprios usus* to the community at Robertsbridge the churches of Salthurst,

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128. *CPR*(1385-1389), 109; (1396-1399), 389.
128. *Ibid*.(1281-1292), 109,226; (1301-1307),439; (1317-13210, 347; (1321-1324),432; (1345-1348),16; (1348-1350),367; (1350-1354),188; (1361-1364),122(1381-1385),483.
129. *Ibid*.(1313-1317), 11; (1330-1334), 174.

Odymere and Mundefeld in Sussex "on account of lands lost by the encroachment of the sea."[130] Similarly, because abbey Meaux's estates at Saltagh, Tharlesthorp, Frysmersk, Wythfleet, Dymelton and Raverserodd were devastated when the Humber overflowed its banks and the sea swept over the low lying coastal fields and because the Crown was indebted to the community, abbot Hugh succeeded in appropriating Easington and Kayingham, the advowsons of which his convent already possessed.[131] A short time later, the abbot of Hulton petitioned the Holy See that he be allowed to take over Audley church in Staffordshire because the income of his house had diminished to a mere £14 annually by reason of the Great Plague.[132] Although I have been unable to find any Cistercian petitions or licences for appropriation on the grounds of loss due to fire, we are assured that it was a common enough plea.[133]

Another fertile source of justification was the sporadic warfare carried on between the English and Scotch monarchs.[134] Several of the northern houses exploited that plea to considerable advantage: either revenues had been severely curtailed by reason of the destruction wrought by maurading bands of Scots, or, resources were overtaxed by the large numbers of combatants stopping off for food and shelter as they made their way to the front. Newminster abbey petitioned for the advowson of Stanygton church and received it "in consideration of their great losses through the frequent incursions of the

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[130] *CPR*(1307-1313), 159; (1330-1334), 371; (1341-1343), 145. This situation was also the basis for a plea of non-payment of tithes. *CPL*(1198-1304), 342. The appropriation of Avene by Margam was founded on the same excuse. *CPR*(1381-1385), 483. Other houses subject to flooding were Waverley, *AM*, II, 312, 368-369.

[131] *Meaux*, II, 298; *CPR*(1334-1338), 423,541; (1361-1364),368.

[132] *CPL*(1342-1362), 536. Hulton had acquired the advowson without licence and was amerced in the sum of 200 marks, *CPR*(1348-1350), 413, a fine which was later cut by half. *Ibid*.(1350-1354), 41.

[133] E. Power, *Medieval English Nunneries*, *c*. *1275* 50 *1535*, (New York: Biblo and Tannen, 1964), pp. 135-136, 144.

Coulton, *Five Centuries*, III, 192.

[134] In 1318 the northern houses petitioned the Holy See to make a new evaluation of their temporalities because the assessment of 1291 had become completely unrealistic as a result of the depredations of the Scots. A comparison of the two assessments in respect to the valuation of five of the seven Cistercian communities indicates that they were, on the average, devalued by a little less than two thirds of the original extent. Figures in parenthesis are the valuations of 1318. Byland, £218-6-10½ (£83-16-9½), Calder, £32-0-0 (£5-0-0), Fountains, £343-0-0 (£100-0-0), Jervaulx, £200-0-0 (£100-0-0), Rievaulx, £241-0-0 (£81-0-0). No record of extents for Holm Cultram and Newminster have survived, if ever taken, but on the basis of a two-thirds reduction they would approximate £206-5-0 (£75-0-0) and £200-0-0 (£71-0-0) respectively. *Taxatio*, pp. 309b, 318, 320b, 325, 329b. It may well be, on the other hand, that they were not extended because they suffered much more than their sister communities. An inquisition of 1363 indicates that the granges of Fountains at Aldeburgh, Steningford, Sutton, Couton, Cayton, Bromley, Bradley, Kilnesay and Thorpe were so run down and delapidated that they could not be repaired. It is very difficult to discover whether this developed from poor management or the Scottish inroads, perhaps from a combination of both. *Eboracensis*, p. 143

Scotch."[135] In north central Cumberland the right of presentation and an acre of land appurtenant to the church at Wiggeton was bestowed upon Holm Cultram by John Gernoun and his wife Margaret for the same reason.[136] The facilities of Byland, Rievaulx and Fountains were always heavily used on account of their proximity to the main roadways into Scotland but during times of conflict the demands made on their hospitality were impossible of fulfillment unless bolstered by additional revenues.[137] The church of Wigetoft, on the other hand, was appropriated to Dore abbey because it had suffered from the wars between the English and French.[138] Just how Dore was affected by that conflict is not made clear although the abbot of the house appears to have been employed almost constantly by Edward in the business of negotiation with the French court.[139] As for the Welsh and Marcher communities using the distractions

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135. CPR(1327-1330), 491; (1330-1334), 46; IAQD, File 206:10; Byland petitioned for the appropriation of a moiety of Bubwith church on similar grounds in 1365. CPR(1348-1350), 367; CPP(1342-1492), p. 572.
136. Monasticon, V, 599.
137. Note the observations of J.F. Willard, "The Scotch Raids and the Fourteenth Century Taxation of Northern England," University of Colorado Studies, V (1908), pp. 237-242. Fountains, Byland and Rievaulx were three, six and ten miles respectively from the main roads northward. cf. supra, pp. 108-109.
138. CPL(1342-1362), p. 167; CPR(1330-1334), p. 9
139. CPR(1327-1330), pp. 464,484,513; (1334-1338), pp. 30,152, 157; CPR(1330-1333), p. 189; (1333-1337), pp. 370,443.

of that region little can be added to the observations and citations of O'Sullivan.[140]

Few would dispute the essential equity of the conversions we have just noted, fewer still would defend the pretexts used for many other such transactions. When, for example, earl Henry de Lacy gave Whalley to Stanlaw his purpose was to increase the number of religious as much as it was to better provide for the temporal situation of the community.[141] Weaverham church was converted by its patron, Vale Royal abbey, in order to endow the conventual dining boards, and, Salley appropriated Tadcaster church for the uses of hospitality.[142] Other unseemly and fatuous excuses such as the provision of pittances for the monks, the construction of monastic buildings, diseased sheep and the poorness of land were hazarded.[143] Naturally as the pace of conversions stepped up so the possibility of fraud increased. Our records are not so detailed as to allow us to distinguish the bona fide from the fraudulent acquisitions. Certainly a few larcenous appropriations were made and the Cistercian image was disfigured by such charges. But, as the case of St. Keverne church in Cornwall shows, the way of those who attempt to sort out the honest from the spurious conversion is marred by many a snare. Until recently it was widely believed that Beaulieu's conversion of St. Keverne was fraudulent because of the compelling arguments put forward by the opposing party.[144] Briefly the case was this.

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[140] Cistercian Settlements, pp. 46-62.

[141] Monasticon, V, 642; CBW, I, 205-206; CPL(1198-1304), pp. 499,501,572.

[142] Mistakenly called "Wem" by Nicholas IV in his indult for appropriation. CPL(1198-1304), p. 506; C.Ch.R.(1257-1300), p. 197; LBVR, p. 129; Monasticon, V, 709; For Tadcaster see Reg. Romeyn, Pt. I, 59,101; CPL(1198-1304), pp. 191,193. Monasticon, V, 513.

[143] At Meaux several pittances were established. Meaux, I, 360,368,371,378 (where besides Meaux, the abbeys of Byland, Fountains and Rievaulx received rents from the same donor for the same purpose), 426; II, 25,44,64,96. An appropriation was also made to provide the monks with clothing. CPR(1272-1281), p. 44. BM Cotton Vitellius C vi, fols 49r-49v lists twenty-two donors of pit-

At the end of April 1230 a papal dispensation was issued to Beaulieu for the appropriation of St. Keverne. The grant was made at the request of the convent's patron, Henry

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tances. Llanbadarnfawr church was given to Vale Royal by the Black Prince in October 1359 with the permission of Edward III. CPR(1358-1361), pp. 296-297,549, who then requested Rome for a confirmation CPP(1342-1419), p. 371 which was extended CPL(1362-1404), p. 88. The reason given in the papal indult was the great damage done to the abbey church by a storm and, no doubt, for what the abbot was to describe as "the poor way of living in the district." LBVR, p. 162 Land sterility was an excuse used by Robertsbridge CPL(1198-1304), p.342 although Pipewell proposed no special cause for its appropriation of Wykhambroke except the "poverty of the monastery, their continual hospitality, the need of repairs to the church belfry and rectory and their heap of debts." CPP (1342-1419),83-84;CPL(1362-1404),65;CPR(1338-1340),527; IAQD, File 254:13.

144. Hartridge, Vicarages, pp. 224-225; Snape, Monastic

III, and his brother earl Richard of Cornwall, the patron of the church. A concurrent mandate was sent to William Briwere, bishop of Exeter, to make a transfer of the church's temporalities to the abbey after a suitable portion had been reserved to a vicarage.[145] Upon the death of the incumbant rector, a priest named Vivian, the bishop neglected to collate whereupon the chapter presented the priest Bartholomew. Immediately, the convent launched an appeal at Rome founding its cause on the earl's gift and the plea that the revenues of St. Keverne's were needed if the great expenses arising out of the abbey's hospitality were to be met. In rebuttal Bartholomew claimed that far from being overwhelmed with such expenses the monastery had an annual income of £1000 from rents, was located in a desert place where there was no need of hospitality, entertained few guests and had reduced St. Keverne into a grange. He then attacked the bishop for not keeping a promise made to the dean and chapter not to alienate the goods of his church to men of religion without obtaining their consent. Accordingly, a papal commission consisting of the Master of Sempringham and Godfrey Ludham, the dean of York, was

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Finances, p. 148, even implies that the licence for appropriation was revoked, but see Register J. Grandisson, Pt. I, 67,592;II, 731; J.C. Cox, "Beaulieu Abbey," VCH (Hampshire), II, 140-146; Coulton, Five Centuries,III,188.

145. CPL(1198-1304), pp. 145,155.

appointed to arbitrate. The abbey was permitted to keep the church while Bartholomew was given a pension of 20 marks, a solution which, under the circumstances, was not inequitable.

It is clear from the foregoing that the principal consequence of the mortmain law was to place the White Monks in a position of dependence by requiring royal authorization for all amortisations. Now even if the day was passed when the order could purport to hold all of its possessions "free from all secular service" this legislation yet constituted a severe blow, a degradation made doubly serious by the drift of other developments. In particular, the heavy taxation of pope and king assisted the growth of subordination. Cloisters were driven to discover new ways of economizing outlays and augmenting incomings. Retrenchment was in part achieved by leasing estates, a course which, while it solved certain internal problems and assured a fixed but regular income, necessitated pleas for royal exemptions from clause forty-one of Westminster II. Concurrently, the enlargement of revenues could only be gained through the acquisition of new lands and rights. But this avenue too was now firmly in the hands of the state. Thus the net of secular control had closed over the White Monks. It only remained now to moor it securely: the severance of the financial lines joining the English filiates with their French mother house was to accomplish that goal.

CHAPTER V

THE STATUTE OF CARLISLE, 1307

From one point of view, the statute of Carlisle represents both the capstone of Edward's legislation in respect to the regular clergy and, the pediment of all the anti-papal legislation enacted in the succeeding reigns. The law begins by observing that the ends for which religious houses were established by the crown, the lords and their antecedants were being frustrated by the "divers, heavy and importable tallages, payments and impositions upon all of the said monasteries and houses" by their foreign superiors. These charges were made without the consent of the king and the nobles and were contrary to the laws and customs of the realm. The ordinance then enjoins that no rent, tax or levy of any kind, whether by guise of mutual sale, loan, exchange or other contract, be carried out of the king's dominions by any person of religion under royal jurisdiction. A similar prohibition is directed against foreign superiors from imposing such tributes. Should any presume against the Statute and be convicted "he shall be greviously punished according to the quality of his offense and according to his contempt of the king's prohibition".[1] For the moment we will give our attention to this part of the Statute only, reserving the remainder.

The Statute was born at a time of great stress; its enactor was old, weary and ailing with only a few months until

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1. Ne quis Abbas, Prior, Magister, Custos seu quivis alius Religiosus, cujuscumque conditionis, seu status aut religionis existat, sub potestate et ditione sua constitutus, Censum aliquem per Superiores suos, Abbates, Priores, Magistros, Custodes Religiosarum domorum vel locorum impositum, vel inter se ipsos aliqualiter ordinatum, extra Regnum et dominium suum, sub nomine redditus, tallagii, aporti, seu impositionis, cujuscumque, vel alias nomine escambii, vendicionis, metui, vel alterius contractus, quocumque nomine censeatur, per se vel per Mercatores aut alios, clam vel palam, arte vel ingenio, deferat vel transmittat, seu deferri faciat quoquo modo; nec eciam ad partes exteras se divertat, causa Visitacionis aut alio colore quesito, ut sic bona Monasterium et Domorum suarum, extra Regnum et dominium predictum adducat. Et si quis contra presens Statutum venire presumpserit, considerata qualitate delecti, et Regie prohibitionis pensato contemptu, graviter puniatur. Preterea inhibet prefatus Dominus Rex omnibus et singulis Abbatibus, Prioribus, Magistris, Custodibus Religiosarum Domorum, et locorum Alienigenis, quorum potestati, subjectioni, et obediencie, domus eorundem Ordinum, in Regno et dominio suo existentes subduntur, ne de cetero tallagia, census, impositiones, aporta, seu alia quecumque onera, aliquibus Monasteriis, Prioribus, seu aliis Domibus Religiosis, eis ut predicitur sic subjectis, imponant, vel faciant aliqualiter assidere; et hoc sub forisfactura omnium que in potestate sua optinent et forisfacere poterunt in futurum...Ceterum intentionis Domini Regis non existit, Abbates, Priores, et alios Religiosis Alienigenas, per Ordinationes et Statuta expressa superius, ab officio Visitationis in regno et Dominio suis exercendo excludere, quin per se ipsos vel alios, Monasteria et alia loca, eis in regno et dominio suis predictis, subjecta juxta officii sui debitum, in hiis dumtaxat que ad observanciam regularem, et ordinis sui disciplinam pertinent, libere valeant visitare. Proviso, quod illi qui officium hujusmodi Monasteriorum, Prioratum, et Domorum extra prefatum Regum et Dominium, preter rationabiles et moderatas eorum expensas, deferant vel deferri procurent. *Statutes of the Realm*, I,151;

dissolution; its supporters were resentful of papal taxation and provisions; its political and ecclesiastical backdrop was unsettled, the Bruce was at large in Scotland, prolonged wrangling with Philip IV was renewing tension with France, the papal court under Clement V had recently begun to live in its "Babylonian Captivity" and, archbishop Winchelsey, that "spiteful and perverse" man had only just departed for Rome in disgrace and in suspension.

That Edward was convinced of the necessity for the law there is no manner of doubt. His reasons were threefold. In the first place, from 1276 onward the debasement of the coinage by Jews and merchants had been a constant irritant. In the search for a solution a variety of measures were tested. Justices were appointed to try those accused of coin clipping but as this proved inadequate a complete reminting of the currency was decided upon three years later.[2] By 1284 defective monies were still sufficiently numerous to force the enactment of a Statute of Money. In turn this was supplemented seven years later by a "little" Statute of the same name which instructed sheriffs to publish the penalties reserved for those who might be tempted to transgress the law.[3] Yet the evil endured and even flourished for in June of 1294 commissions were established to examine the coins on deposit in various repositories throughout the kingdom in order that the true might be sifted from the base.[4] Hand in hand with this inquisition a survey of the goods and revenues of alien religious houses was made lest they be shipped abroad and the crusading tenths were sequestered before they could be forwarded to Rome. All this was done in the name of enforcing the laws against bad money, although it is clear that the financing of the expedition to Gascony was at that time as much in his mind as the rehabilitation of the coinage.[5]

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[2] CPR (1272-1281), pp. 236,338; Red Book of the Exchequer, 3 pts., ed. H. Hall, Rolls Series, No. 99 (London,1897), III, 980-983. For the Jewish participation in this activity see the pertinent remarks of C. Roth, The History of the Jews in England, (Oxford: Clarendon Press, 1949); J. Jacobs, The Jews in Angevin England, (London: Putnam & Sons, 1893). The latest and most objective treatment is that of H.G. Richardson, The English Jewry under Angevin Kings, (London: Metheun & Co., 1960).

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[3] *CPR*(1281-1290), pp. 129-130; *CCR*(1288-1296), pp. 9,203; *Statutes of the Realm*, I, 219-220.

[4] Powicke, *The Thirteenth Century*, p. 670 Aimed primarily at foreign merchants who were suspected of bringing in counterfeit or clipped coins. *CCR*(1281-1292), p. 86. There is recorded one process in which a community of White Monks was implicated. Sometime before August 1299 and September the sheriff of Lincoln seized some 200 marks of pollards from Guy Bertaldi and his colleagues on the grounds that they had been introduced after the statute was enacted. On appeal a commission was appointed and it found that the money was of domestic origin, the abbot of Bruern having deposited it with a third party on agreement with the merchants before the statute was published. *Ibid.*(1296-1302), p. 264.

[5] *Cotton*, pp. 299-302; *Guisborough*, pp. 249-250.

It is undeniable, moreover, that Edward's attitude to apportum was deeply influenced by the course affairs were taking in Francia. His cousin at Paris was pursuing a fiscal policy towards the church that was hardly one whit different from his own although implemented with much more finesse and unscrupulousness. From a tenth in aid of a new venture to the Holy Land, to a tenth for a Capetian crusade to Aragon, to a tenth "for the urgent need of the kingdom" against England was not so long or so difficult a step as it appeared. At the same time, the view of what constituted the temporalia, the goods subject to the tax, was increasingly broadened until the spiritualia - the bona immuna - came to embrace only "the offerings of the altar and the sanctuary." Finally all properties, movable or immovable, clerical as well as lay, were ordered taxed. Since 1284 Philip's demands were unremitting, fluctuating from a tenth to a hundredth and leading, by 1295, to large and widespread arrears.[6] To the order of Cîteaux, unrivalled in wealth and connections, the levies had become insupportable. At a General Chapter the imposts were deplored and strongly worded protests were drafted first to the curialist prelate Pierre Barbet and then to Pope Boniface himself in the name of "all the clergy of the realm." The gist of these were that the fathers were willing "to contribute from the goods conferred upon us, according to natural equity and legitimate sanctions," but, *nova vectigalia institui non posse*.[7]

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[6] E. Lavisse, Histoire de France, 9 vols. in 18 pts., (Paris: Libraire Hachette, 1911), III, pt. 2, 109-111, 113-117,240-242. Cf. also D. Buczek, The Church in France, the Cistercian Order: A History of Financial Relations, 1265-1326, unpublished doctoral dissertation, (New York: Fordham University, 1958).

Clericis laicos, the pontiff's answer to Cistercian complaints, absolutely forbade any secular power to raise money from its clergy except with the express permission of the Holy See. The blunt and uncompromising tone of the decretal encouraged immediate resistance; in England, Edward put the clergy outside the law and in France, Philip, more subtly, banned the export of precious metals and expelled the Lombard merchant bankers. The French king struck where it hurt most: the flow of Gallic exclesiastical revenues to Rome was stopped up and, the fortunes of several financial firms underwriting papal finances were greviously impaired. Boniface's subsequent retreat was executed in the three bulls of 1296 and 1297, *Ineffabilis*, *Romana Mater* and *Etsi de Statu*.[8]

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[7] Kervyn de Lettenhove, "Études sur l'histoire du XIIIme siècle," *Mémoires de l'Academie Royale des Sciences, des Lettres et Beaux Arts de Belgique*, XXVIII (1854), 10, 14-15.

[8] The standard texts of these *bullae* are to be found in *Les Registres de Boniface* VIII, 4 vols., ed. G. Digard *et al*. (Paris: Boccard, 1884-1939), Nos. 1567,1653,2312,

The first avers that the original mandamus was not intended to bar all taxation of the church but merely to emphasize that Roman authority had to be obtained for all levies. The second insists that kings must not tax their clergy except in emergency while the third leaves it to the prince to decide when an emergency exists. The canonization of Philip's grandfather marks the end of the papal withdrawal in the same way that the rescinding of the decree against the exportation of money and the expulsion of Italians by Philip signals the end of his first attack. The combatants now retrenched and a lull fell over the battle lines.

The pause did not last long. Before a year had passed Philip was committed to an invasion and occupation of Flanders, a venture which necessitated further taxation. News of this tax may have been bruited in England by the envoys charged with negotiating Edward's marriage to princess Margaret Capet. It is also possible that the English White Monks were asked to render material assistance to the mother house in its great need and that word of that request reached the Plantagenet's ears.[10] A nuptual alliance notwithstanding,

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2354. Translations may be found in B. Tierney, The Crisis of Church and State, (Englewood Cliffs, N.J.: Prentice Hall, 1964), pp. 175,178.

[9] Lettenhove, Op. Cit., p. 23

[10] This at least occurred in 1302. Infra, p.232 What makes

Edward had every reason to suspect the French king of double dealing and so he did not permit him to arm by way of English money through Cîteaux. With seeming ease Philip had wrecked the chain of alliances which England had been welding with money and concessions among the dynasts of Flanders and the Empire, checkmated the great force led by Edward himself to rescue Guy Dampierre and was prompting the Scots to rebellion.[11]

When he returned from Flanders in 1298 Edward was faced with a new Scottish campaign and little with which to finance it. "In his most urgent necessity" that July he commanded Robert Burghesse, Warden of the Cinque ports, to notify all his assistants to prevent the departure of the Cistercian abbots and monks to their General Chapter at Cîteaux unless they had the king's special licence. On the same day he despatched a letter to abbot Rufinus of Cîteaux (1294-1299) informing him of the prohibition and requesting that the monks be held excused.[12] There were of course sufficient precedents for this sort of action although it is improbable that any

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it even more probable is that the Cistercians appear to have been in on some of these negotiations. Philip agreed to the marriage arrangements in the abbey of l'Aumône.

[11] Powicke, The Thirteenth Century, pp. 695-698; Meaux, II, 266-267; Buczek, Op. Cit., pp. 80-90.

[12] CCR(1296-1301), pp. 215-216. Sixteen other bailiffs received the same orders. The abbots do not appear to have been notified either individually or collectively of

of them were inspired by quite the same degree of shrewdness as was presented on this occasion.[13] Forty-six abbots received a directive and request in the days that followed to the effect that they "aid him with all the apportum that /they/ would carry to the coming General chapter." The money was to be turned over to the treasurer and Chamberlain of the royal exchequer at York. Remuneration was promised non sine condignis premiis suo tempore rependendis.[14] By the middle of the third week of August writs were being sent to all the sheriffs

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this decision until they arrived at London or the port of departure. Although the abbot of Rievaulx had been granted a letter of protection with clause volumus in expectation of a journey to the Chapter on 17 June it would not have been nullified by this ban even though the attornies he nominated to act in his absence could not be employed. CPR(1292-1301), p. 354. A special letter was drafted and sent to Cîteaux explaining the abbot of Stanlaw's absence. CCR(1296-1301), p. 217.

[13] The earliest example I have been able to locate occurs in king John's time, the occasion being a Cistercian refusal to grant an aid. Gervase, II, 105; Oxenedes, pp. 125-126; Paris, Chron. Maj., II, 530-531. Henry III debarred them from attending for a similar reason and even prevented them from selling their wool abroad. AM, III, 163-164. Licences issued to individuals going abroad are quite numerous. CPR(1232-1247), p. 481; (1258-1266), p. 340. cf. also the instance of Edward banning the English Cluniacs from making any payments to Cluny until he gave them permission to do so. Graham, English Ecclesiastical Studies, p. 106

[14] CCR(1296-1302), p. 216. The king's finances were not so bad that they prevented him from granting 1000 marks to his foundation at Vale Royal for the building fund in the late spring of that year. Ibid.(1296-1302), p. 158. There are records of other grants in the same period for like purposes. passim.

directing that inquisitions be held to ascertain what members of the Order had sent contributions out of the kingdom as a subsidy to Cîteaux or whether they had sent wool instead.[15] No returns to these investigations have been discovered in the governmental records, an absence which tempts one to conclude that the prohibition was meticulously obeyed. Likewise, there appears no acknowledgement of the monies delivered to the exchequer, a fact which it seems will forever remain a mystery.

Edward's inhibition continued into the next year. This is understandable forasmuch as king Philip, in February 1299, made two further demands on Cîteaux threatening dire things unless they submitted.[16] Just before the abbot general received

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15. CCR(1296-1302), p. 218 A statute enacted at the General Chapter of that year ordained that all affiliates of order were to pay specified sums to Cîteaux and laid it down that those who failed to do so would be excommunicated. Statuta, III, (1298:8) Because the royal writ is so vague in its wording it can lead to varient interpretations. O'Sullivan, for example, assumes it to mean that the monks ignored the prohibition and attended the chapter in 1298. Cistercian Settlements, p. 95 The statutes do not bear this out however. Statuta, III, (1298:4).

15. Lettenhove, Op. Cit., p. 23 In this year also the Ordinatio de libertatibus Perquirendis was published. It required that "gentz demorauntz la autre qui ont terre ou rente en Engleterre, oil voillant purchacer lettres de proteccion, ou de generals attornez, soient envoietz al Escheker et la facent leur fyn, E dilveques soit maunde au chaunceller, on a son lieu tenaunt ceo qil endevera faire." En meisme la manere soit fait de ceux qui vouderont purchacer feire, marche, garenne, ou autre franchise. Statutes of the Realm, I, 131 Nos. 3-4.

another note from the English king who reiterated his wish that all Cistercian superiors of his kingdom be absolved for their absence except John, abbot of Garendon (c.1299-1330), who had permission to attend. By that time the fathers of England and their attendants had gathered in the capital prior to taking the boat across channel. Here a message from the king was delivered which stipulated that only those of them who had royal permission would be allowed to depart.[17] A week later (18 August) another licence for travel abroad was issued. The keepers of the passage at Dover were instructed to permit Brother Henry Radelegh of Hayles to pass over without let or hinderance as he was on the service of earl Edmund of Cornwall.[18] By the following April the king decided to repeal the ban on oversea travel but the injunction against the transport of apportum remained in effect. It is possible that this relaxation was the outcome of abbot Robert of Holm Cultram's pleas or possibly it was a reaction to the general suspicion of the prelates and barons to royal equivocation in the matter of the charters. At all events, letters allowing the nomination of attorneys, charters of protection with and without the clause volumus, were issued to abbots intent on attending the General Chapter that autumn.[19]

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[17] CCR(1296-1302), p. 314; (PR(1292-1301), p. 431.

[18] Ibid.(1296-1302), p. 265 An extremely well documented and valuable work on this subject is M.C.L. Salt, "English Embassies in France," EHR, XLIV (1929), 263-278. Later in the same year (22 November) the abbot of Sawtry was extended a letter of protection with a clause volumus and permitted to nominate attorneys for his

A revival of the strife between king Philip and pope Boniface in the latter half of 1301 let loose a new rash of troubles for Cîteaux and her daughters. The apprehension of bishop Bernard Saisset by Philip resulted in the publication of a new bull, Salvator Mundi, which revoked all the concessions made in the bulls of 1297. Also, a general convocation of the French clergy was to meet in the following year in Rome, to which the abbot of Cîteaux was ordered to come.[20] Materially, it seems, the lot of the Order was at this point a sad one, and, the attempt of the pater abbas, John Pontoise (1299-1304) to improve it were frustrated by Edward's vigilance. In February of 1302 letters were despatched to a dozen abbots of the White Monks asserting that it had come to his ears that the abbot general had sent special emissaries to

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absence overseas. The nature of his business is not disclosed unfortunately. CPR(1292-1302), pp. 479-480.

19. CCR(1296-1302), pp. 348-349, 514 seq. The king spent a fortnight or so at Holm Cultram in the autumn of the previous year and may have been asked to lift the ban on travel. For the observations of a contemporary see V.H. Galbraith, "The St. Edmundsbury Chronicle,"1296-1301," EHR, LVIII,(1943), 51-78.

20. Les Registres de Boniface VIII, Nos. 4422-4423; P. Dupuy, Histoire du différend d'entre le Pape Boniface VIII et Philippe Bel Roy de France, Actes et Preuves, (Paris,

their communities with orders to collect a subsidy for Cîteaux's use. They were warned not to transgress the ordinances against exportation by contributing money or other negotiables without royal licence for "it might otherwise redound to the king's prejudice."[21]

In the meanwhile *Asculta fili* had made its way to Paris only to be supplanted by a *bâtise* of Capetian composition, *Sciri te volumus*. Shortly also a series of royal prohibitions were published one of which made illegal any unauthorized departures from France. Nevertheless, when the Roman council assembled that November abbot Pontoise was among the almost two score French prelates present. His defiance resulted in a royal threat to seize Cistercian properties but even this failed to shake his loyalty to the pontiff.[22] Thus, at the indictment of Boniface and the most recent bull, *Unam Sanctam*, by Philip in June 1303, only the voice of Cîteaux vehemently rejected the proposal to call a General Council to depose him. For this new challange Pontoise was incarcerated and the properties of the Order taken into the

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1655), p. 42 *seq*.

[21] *CCR*(1296-1302), p. 576. The abbots of Buckfast, Byland, Dunkeswell, Fountains, Furness, Jervaulx and Kirkstall, Merevale, Newminster, Pipewell, Rievaulx and Waverley were the recipients.

[22] *Les Registres de Boniface VIII*, No. 4424 for the *Asculta* and Dupuy, *Op. Cit*., p 44 *seq*. for Philip's forgeries.

king's hands.[23] Philip, however, was not content only with the removal of his enemy from view. So long as abbot John was confined in a royal prison he stood as a martyr for his order and a symbol of resistance to royal tyranny. By 1304 the pressures on him became so great that he resigned.[24] His replacement, abbot Henry of Jouy, was of less heroic stuff, amenable to royal wishes and desirous of peace without dignity if need be. With his accession all real opposition to Capetian oppression passed away.[25] Little wonder that the Plantagenet, busy now on his last campaign against the Scots, was so receptive to the petition of the barons.

Shortly before Pontoise's resignation, in December of 1303, a second attempt was made to collect the English *apportum*. Proctors were sent over from the motherhouse to aid the abbot of Dore, the executor of the collection. Once again the Crown was informed of what was afoot and a new warning was issued to those engaged in the business reminding them of the law and promising severe punishment to those who

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Translations of both may be found in Tierney, *Op. Cit.*, pp. 185-187.

[23] A fine work on the contest is that of G. Dignard, *Philippe le Bel et le Saint Siège*, 2 vols., (Paris: Libraire Sirey, 1936), II, 179-180. Word of abbot John's imprisonment and the confiscation of property is implied in the bull *Super Petri Solio* which excommunicated the French king. *Les Registres de Boniface VIII*, No. 4428

[24] King, *Cîteaux and her elder Daughters*, p. 49.

ignored it.[26] This second failure evoked the protest from abbot Henry of Cîteaux (1304-1315) which, in turn, spurred the remonstrance of the nobles against the carriage of apportum in the Lent Parliament of 1305. Within days of his election as abbot general, in the autumn of 1304, Henry found the Order and particularly Cîteaux smothering under a welter of debts most of them originating from the accumulated impositions of the previous twenty years. He believed, moreover, that the situation was to a great extent aggravated by the continued opposition of king Edward to the payment of tribute by his filiations in the island. The principal theme of his letter to the English was, however, that the money was indispensible if the common privileges were to be preserved inviolate and that, if it continued to be detained, the unity of the Order would be brought to dissolution. The plea fell on deaf ears, nobles and clerics being unanimous in opposition.[27]

Even though the baronial petition and the Statute which shortly followed it emphasize the role of the magnates it is not at all clear how far they were the direct outcome of baronial fears and dissatisfaction. It is certain of course that

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25. King, Cîteaux and her elder Daughters, p. 50
26. CCR(1302-1307), pp. 68-69.
27. Memoranda de Parliamento, pp. 312-314; Rot. Parl., I, 178b.

some patrons early devised dampers against excessive demands made upon clients by foreign religious superiors.[28] But the evidence of such directed against Cîteaux appears to be non-existent. By any measure this is indeed a reveal fact inasmuch as the law was intended to inhibit the passage of money to that alien authority in particular. Either patrons had only just become aware of the injunctions of the Carta Caritatis respecting tribute or Cîteaux's exactions had only just become very oppressive. Yet it seems to me that baronial concern was a more comprehensive matter, apportum being merely the ankus to settle the more ancient, prevalent and provoking abuses of provisions and taxation.[29] This is not to say that the English White Monks and their benefactors were unaffected by either. As we noted the Cistercians were very much involved in the phenomena of appropriations and this insinuates that patrons could be affected directly whenever one of the livings they had bestowed on the monks was provided for by the papacy.[30] Similarly, their interests could be impugned by papal taxation if their clients held any land of them by secular service, a condition in which not a few of Cîteaux's affiliates found themselves by the middle of the thirteenth century.[31] Generally, however, the discontent of the baronial patrons of religious institutions was deeper on the side of those who supported non-Cistercian establishments. This may account for the remarkable assertion in the plea that action was taken "on behalf of the Cistercians," when it should, more properly, have said that it was taken at their behest.

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[28] Wood, English Monasteries and their Patrons, pp. 148-150; R. Graham, English Ecclesiastical Studies, pp. 106, 230-232. As noted already, (supra, p. 69 seq.), patronal interests in Cistercian foundations was originally, in matters material, absent because of their tenure in "pure, free and perpetual alms."

[29] The literature on provisions is accumulating at a very fast pace. The most recent and comprehensive study on the subject is that of G. Barraclough, Papal Provisions, (Oxford: Blackwell, 1935). Valuable contributions have been made by F. Powicke, Henry III and the Lord Edward, I, 259-289; W.A. Pantin, The English Church in the Fourteenth Century, (Cambridge: University Press, 1955), pp. 47-75; A.H. Sweet, "The Apostolic See and the Heads of English Religious Houses," Speculum, XXVIII (1953), 468-484; A. Deeley, "Papal Provisions and rights of royal patronage in the early Fourteenth Century," EHR, XLIII (1928), 497-527.

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[30] Sweet, Op.Cit., 475 cites the instance of Clement VI's provision of a Fr. William to the conventual priory (?) of Castleacre in 1344. For examples of papal provisions to Cistercian livings note CPL(1198-1304), p. 182; (1305-1342), p. 158; (1342-1362), p. 279. See also the interesting case of William Marcel, a monk of Tintern, accused of forging papal letters "by which he was able to obtain a dignity or office together with his accomplices," Ibid.(1304-1342), p. 350 Sweet reproduces the error of the Roman chancery in referring to Buckland as a priory (p. 472). From the same letters it is more correctly called an abbey. CPL(1305-1342),pp. 252;299; (1362-1404), p. 404.

[31] A glance through the knight's fees recorded in Kirkby's Inquest, ed. R.H. Skaife, Surtees Society Publications, XLIX (1866), pp. 190-385, shows that eight of the northern cloisters, namely, Byland, Fountains, Furness, Kirkstall, Salley, Roche, Rufford and Vaudey held fees immediately of the king or of others who held of the king in chief. Almost thirty houses were ordered to despatch knights for the king's service in the years from 1297

Perhaps the most telling argument favouring the belief that the White Monks inspired the debate of 1305 on apportum is the fact that some forty heads of houses or their proctors were present and the rolls of the session record not a single protest against the petition. Indeed space was allowed for the insertion of a Statute but for some inexplicable reason it was not then enacted. As well, the absence of any Cistercian criticism of the law when it was enacted, after a year in which they could have organized an effective opposition, seems to put the question beyond the realm of uncertainty.

Several factors appear to have conspired to create English opposition to these payments. In the first place there were the levies paid to Cîteaux to meet the general taxes imposed by the papacy on the Order even in the face of their exemptions. Two imposts were collected for the crusades. In 1200 Inncoent commuted the fortieth on all ecclesiastical goods to a fiftieth in the case of the Cistercians and then allowed it to be compounded for in the sum of 2000 marks. Later, the second Council of Lyons (1274) approved a tenth

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to 1300. Parl. Writs, I, 898 These lands were non-exempt and therefore subject to all secular services and taxes.

for six years leaving it to the pontiff to decide how it was to be gathered and how disposed. Initially Gregory proposed to reserve the tenth of the Cistercians to defray his expenses, later resolved to recognize their exemption but finally compromised by requesting £100,000 Tours, to be collected by the Chapter for a confirmation of their exemptions. By the last quarter of the century, however, the popes were regularly requesting "loans" from Cîteaux for all manner of projects. Sometimes these had to be written off or deferred because of the increasing committments of the Holy See and a shrinkage of its fiscal resources. Consequently, while the papacy got the proceeds the abbot of Cîteaux was left with the onerous task of collecting and incurred the odium of the taxation.[33]

Hardly less exasperating were the sums raised in aid of distressed brethern. These were usually administered by

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33. Coggeshall, pp. 113-116,130-131; AM, II, 253; Hoveden, IV, 108-112; Lunt, Financial Relations, pp. 312-313. In mid-February of 1291 a pontifical letter to Edward claims that the church had not received any monies of the tenth due from the Cistercians but "hoped that the sum had been applied to sending galleys to aid the Holy Land." CPL(1198-1305), p. 555 One would conclude from the statuta however that collectors had been appointed and were taking in the various allotments. Statuta III, (1277:31)(1279:40)(1281:21). Only recently Boniface VIII had requested a loan from the White Monks and received 6000 florins. The money was used to carry on the struggle with the Colonna, the pope's main opponents in Italy. Les Registres de Boniface VIII, No. 2617 No wonder the monks were piqued !

the General Chapter through Cîteaux. Chapter seven of the Carta Caritatis provided for such contingencies and expected that contributors would be "animated by a lively charity."[34] By the last half of the thirteenth century hard nose business practice rather than charity seems to have been the rule, a fact to which abbot Adam of Meaux (1310-1339) could attest.[35] Prominent among the indigent was the mother house at Cîteaux. It seems that in the period immediately preceeding the internal struggle over the constitution at mid-century the financial plight of the community was grave. Thus when pope Urban IV despatched a commission headed up by the bishop Nicholas of Troyes to undertake a reform, among the measures he proposed was that financial crises be avoided and that affiliates should not be expected to make excessive contributions.[36] Additional burdens were imposed in the last quarter

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34. Guignard, Les monuments primitifs, p. 79
35. Abbot Roger Driffield of Meaux borrowed 800 marks from the abbot of Cîteaux and the first four daughters in order to finance the purchase of property earlier demised to William and Adam Hamilton. supra, p. 183. He undertook to pay interest at the rate of 5% or 40 marks per annum. Twenty years later only 120 marks had been paid. Roger's successor then proposed to the father general, through the medium of Cîteaux's supervisors at Scarborough, that the entire loan be paid off in four annual installments, on the grounds that by paying rent both parties would be violating the Statute of mortmain. This was acceptable to Cîteaux and so Roger initiated new policies to amortise the debt. Meaux, II, 184,308-311.
36. Cîteaux's distress seems to date from the last years of

of the century as a result of king Philip's exactions. From a letter addressed to the most prominent abbots of the order by abbot Theobald in January of 1286 we learn of a protest personally lodged with Philip by the abbot of Cîteaux and Pontigny against the first of them. A compromise resulted "not without great labour and with no little difficulty" because otherwise "future dangers, loss of souls and shipwreck of consciences might ensue."[37] To the English monks the language of blackmail was readily comprehended and, whether uttered by the Capetian or the Plantagenet, it meant only one thing.

Another significant determinant in the attitude toward apportum was the financial standing of the English colonies. We have already had occasion to note that royal custodians were frequently appointed to Cistercian cloisters from the

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abbot Walter's rule (c.1219-1235). It continued through the disasterous reign of his successor, James I (John) whose resignation was forced by the abbots of the first four daughters. AM, II, 316; GC, IV, 994-995; Melrose, p. 149; Statuta, II, (1238:9) The papal commission was set up at the behest of Philip, abbot of Clairvaux, who entered a protest against the irregular election of abbot James II of Cîteaux in 1262. GC, IV, 807; Annales Furnesiensis, ed. T.A. Beck, (London, Payne & Foss, 1844), pp. 220-221. Quite possibly the fact that the pontiff's mother was buried at Troyes, an affiliate of Clairvaux, influenced papal judgements in favour of Philip and his fellow abbots. Potthast, No. 18640

37. "...ad vitandum futura pericula, animarum dispendia, conscientiarum naufragia...non sine magnis laboribus et difficultate non modica..." Lettenhove, Op. Cit., p. 8

outset of Edward's reign.[38] The General Chapter also was apprised of affairs from the numerous requests for permission to disperse, a few of them deeming that five year closures were necessary to set matters aright.[39] Cîteaux's impositions can have had little to do with this situation but its tallages must surely have exacerbated abbatial dispositions. The real blame of course lay exactly where Thomas Burton was to place it. "Edward," he says, "was the first /king/ who subjected Holy Church and the people to the tenth, the fifteenth and other taxes."[40] Having been drained by their own prince it is improbable that many of them were either able or willing to subsidize a foreign prince regardless of how palatable the General Chapter made the pill.

Although the White Monks were not "snorting with German aggressiveness" there is no reason to doubt the assertion that the Cistercians of England, in company with the more politically orientated elements of the day, were to some extent infected by the new and diffuse virus of nationalism.[41] O'Dwyer has described the malady and the limitations it imposed upon abbot Stephen of Lexington when he undertook a

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38. supra, pp. 134-135
39. Statuta, III (1280:44) Vaudey (1281:38,63) Kirkstall, Flaxley (1291:61) Rievaulx (1292:62) Fountains
40. Meaux, II, 278
41. Sister James Eugene Madden, Business Monks, p. 363.

reform mission to the Irish communities of the order in 1228.[42] O'Sullivan has traced out the intimate connection which existed between the fortunes of the Welsh nation and the cloisters of Welsh extraction in addition to pointing up the rift that seperated them from their correligionists of English sympathies.[43] Keeney has asserted that the notion of the monarch as the symbol of the community of the realm reached its pitch about this time and that all subjects were obliged, in the king's view, to assist him in protecting it.[44] Thus when Edward requested the _apportum_ of 1298 he claimed that "the advantage and profit of the entire realm is concerned" and that as they love the advantage of the king's realm they will have it ready for him.[45] The same spirit underlay the royal seizure of those estates of "alien religious of the power of the king of France and his allies."[46]

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[42] B.W. O'Dwyer, "The problem of reform in the Irish Cistercian monasteries and the attempted solution of Stephen of Lexington in 1228," _JEH_, XV (1964), 186-191. This view is taken in more general terms by A. Gwynn, "Edward I and the Proposed Purchase of English Law for the Irish, c.1276-1280," _TRHS_, 5th series, X (1960), 111-127.

[43] "...the Welsh Cistercian monks were not only nationality conscious, but nationalistic as well." _Cistercian Settlements_, p. 69

[44] B.C. Keeney, "Military Service and the Development of Nationalism in England, 1272-1327," _Speculum_, XXII (1947), 536-537.

[45] _CCR_ (1296-1302), p. 216

[46] Matthew, _Norman Monasteries and English Possessions_, pp. 86-87.

The prohibition against travel abroad was invoked by the English fathers to explain their absence from the Chapter in September of 1305. But their brethern at Cîteaux were not impressed in the least and asked Rome to intervene. In late April of the next spring Pope Clement commissioned Archbishop William Greenfield of York and bishops Henry Woodlock of Winchester and Ralph Baldock of London to order the White Monks, under pain of excommunication, to attend General Chapter meetings.[47] At this point our information is so fragmentary that it will not permit us to make any decisive statement about the success of the papal action. Canivez' edition of the Statutes for example contains not a single entry relating to the English brethern from the beginning of the century to the first years of Edward III's rule.[48] On the face of it this argues that the abbots ignored the papal injunction, otherwise it would be reasonable to find some mention of disciplinary action, matter of appeal or decision concerning one of them.[49] Cîteaux's silence is partly balanced by English chancery records. Under the year 1308 a royal order to the Constable of Dover and Warden of the Cinque ports, Robert Kendale, authorized the release from detention of the abbots of Buckland, Cleeve, Coggeshall, Dunkeswell, Netley, Newenham and Tilty, they having "passed the sea without the king's licence to attend the general chapter at Cîteaux."[50] It is clear from this order that (a) a royal licence to attend Chapter meetings was not merely desirable but indispensible (b) that royal officials at coastal stations had been instructed to apprehend unlicenced religious travellers (c) that Cistercian Statutes cannot be used as enumerators of English attenders of the General Chapter in this period.

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[47] CPL(1305-1342), p. 19

[48] Statuta, III, (1298:10-1328:15)

[49] A scrutiny of the statutes reveal that there are no entries dealing with the English foundations for the years 1221,1242,1256,1264-1265,1283-1290,1294-1295.

Permits were issued to eighteen heads of houses to attend the General Chapter of 1309.[51] Thereafter, until near the middle of the century, the abbots of England and Wales were represented, on the average, at every second meeting. Of those so licenced the superiors of the Savigniac foundations constitute about one third while the Welsh and Marcher establishments are mentioned in another third. The southern and western White Monks were more frequently warranted than those from across the Welland and Teify. From whatever region they were, the fathers were continually cautioned against carrying anything that could be construed as apportum although enough cash was allowed each in order to defray the expense of his journey. An analysis of the sums mentioned in the licences as "pocket money" does not indicate that the Crown established a regular tariff based on the status of the recipient, the distance of the journey or its duration. Prestigious and powerful abbots such as those of Fountains and Furness received allowances no greater than those permitted to the lesser dignities[52] of Thame and Holm Cultram. Despite the longer, more arduous and dangerous trips undertaken by the heads of Cymhir and Basingwerk, the abbots of Netley and Forde who resided by the channel were allowed the same sums.[53] To confound even the most simple observations there are several cases in which superiors are permitted to carry varying amounts; in 1312 the abbot of Stratford was allowed £10 while three years later his allowances amounted to £40. Similarly, Beaulieu's abbot was allocated £10 in 1309 but in 1321 his portion was raised to £20.[54] The usual figure mentioned is £10 although the larger sums, those ranging up to the apparent maximum of £40, together are almost equal in incidence. There are, moreover, several licences in which the clause "saving reasonable expenses" is substituted for a definite amount but these generally date from the years following the outbreak of the Hundred Years' War.[55] Presumably, the exact figure reserved depended in part upon the liberality of the customs officer, in part upon the rhetorical abilities of the individual religious and in part upon precedent. It is impossible to say whether these allotments worked any hardship on the religious traveller, but we do know that royal envoys and messengers in service received similar amounts thus implying that most allocations were liberal and even generous.[56]

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[50] CCR(1307-1313), p. 79 Dated 4 October.

[51] Ibid.(1307-1313), p. 165

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[52] CCR (1318-1323), p. 492; (1327-1330), p. 205; (1330-1333), pp. 566,580.

[53] Ibid. (1307-1313), 351; (1313-1318), 69; (1327-1330), 567.

[54] Ibid. (1307-1313), 165,542; (1313-1318), 305; (1318-1323), 379.

Despite the vigilance of port officials some of the monks early discovered ways of smuggling apportum and of making unlicenced trips to Cîteaux. Our first intimation of non-comliance with the bans occurs shortly after the turn of the century. In February of 1301 Edward directed the Warden of the Cinque ports and all responsible portreeves to make careful

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55. CCR(1327-1330), 403; (1330-1334), 145; (1333-1337), 121; (1337-1339), 118,567; (1346-1349), 500; (1369-1374), 88.

56. For the wages of Cistercian envoys and messengers in the royal service during the first half of the fourteenth century see CLR(1226-1240), 42,114,161; (1240-1245),141, 168,184; (1345-1351), 5,46,96. The only comprehensive study done in English on the subject is that of M. Hill, The King's Messengers, pp. 46-50 This may be supplemented by A. Larsen, "The Payment of Fourteenth Century English Envoys," EHR, LIV (1939), 403-414. Valuable also is L. Mirot & E. Deprez, Les Ambassades Anglaises pendant la Guerre de Cent Ans, Catalogue Chronologique, 1327-1450, (Paris: A. Picard, 1900).

search of all wool sacks, hides and all other merchandize "because the king now understands that certain persons scheming together have carried such money and silver out of the realm,"[57] by those means. But the malpractice continued until in 1316 Edward II was obliged to publish anew the prohibitions of the Carlisle statute.[58] Defiance of the injunction against unauthorized travel to Cîteaux all the while continued and, if one may trust Edward's assertions, was winked at and even facilitated by royal agents. On 15 August 1325 Warden Kendale of Dover received a letter in which it is noted that "the king is much perturbed at his permitting certain abbots... of the aforesaid order...to pass the sea...without the king's licence."[59] It is noteworthy also that royal records do not mention any further surreptitious passages to the General Chapter after this date. One might account for this by the fact that Kendale was replaced at Dover by a series of more zealous Wardens, or that overseas travel was made more hazardous than usual by reason of the near state of war which existed with France.[60] In either case, Cîteaux took advantage

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57. CCR(1296-1302), pp. 480-481.
58. Ibid.(1313-1318), pp. 426-427.
59. Ibid.(1323-1327), p. 502.
60. Ralph Bassett occupied the post by February of 1326. Three years later he had been replaced by Bartholomew Burghersh. It is reported that the White Monks were so afraid of the portsmen in 1293 that they dared not leave

of Carnarvon's desposition in 1327 to address a protest to the new monarch and his regnant mother. Royal prohibitions against apportum and attendance at General Chapters, it claims, were having a debilitating effect upon the unity of the order. Attention is also drawn to pope Clement's admonition of 1306 which places every absentee, ipso facto, under the penalty of excommunication.[61] The only indication that we have of the crown's reaction to this plea is in the more liberal granting of licences to attend the Chapter meeting of 1329, the ban on apportum was apparently not even reconsidered.[62] Until the outbreak of war in 1337 the English, in varying numbers, attended the autumn convocations of the order without interruption. From that time forward their presence seems to have been a rare occurrence.[63]

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the country. Flores Historiarum, 3 vols., ed. H.R. Luard, Rolls Series, No. 95 (London, 1890), III, 86 In time of war the men of the ports were given free rein to plunder shipping and towns of the king's enemies. Unhappily they did not always take care to distinguish friend from foe. K.M.E. Murray, The Constitutional History of the Cinque Ports, (Manchester: University Press, 1935), pp. 33-41.

[61] Statuta, III, (1328:15) This plea was carried to England by nuncios appointed by Cîteaux and her four eldest daughters.

[62] The abbots of Stratford, Thame, Pipewell, Newminster, Salley, Whitland and Cumhir were the recipients, the largest number to attend at any one time after the year 1309. CCR(1327-1330), pp. 564,566-567.

[63] CCR(1330-1333), pp. 331,580,586; (1337-1337),pp. 88,121, 243,246,323,483,488,506,523,671,676;(1337-1339),p.118;

Regardless of the obstacles placed in the way of the English travel to Cîteaux the crown did nothing to prevent French superiors from carrying out visitations in the cloisters of their British affiliates. The first mention of this traffic after the prohibitions of 1298-1299 is a letter of protection issued to the abbot of Cîteaux, John Pontoise.[64] A second such mission is noted a little more than a score of years later. On that occasion the abbot of Aulnay, accompanied by three monks and eight alien grooms mounted, made the rounds. In the late fall of 1325, after Edward refused to permit any of his abbots to attend the General Chapter, two religious, one of the them a monk named Nicholas, were appointed to go over to the English communities. Two further visitations are recorded prior to the outset of the great war; the one in the first half of 1330 by the abbot of l'Aumône, the other four years later by a brother Bernard, a monk of Clairvaux. From the tone and phraseology of the royal notes it is clear that the recipient was representing the General

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CPR(1327-1330), pp. 132,163,314; (1330-1334), p. 393; (1334-1338), p. 30 This is not to say that the monks did not defy the ban on travel. See for example CPR(1363-1367), p. 310.

[64] CPR(1302-1307), p. 200 Dated 26 Nov. 1303 at Dunfermline. It is difficult to see how abbot Pontoise could have made his visitation in person for he had been jailed shortly before by Philip. The letter may be explained on the grounds that he had requested it sometime prior to

Chapter and that his commission was to all the families of the Order in the kingdom. In this connection the expressions most frequently, although not invariably, employed are, "to visit divers houses of the order," or, "houses subjected to that order," or, "houses of his order."[65]

Notwithstanding the freedom allowed to alien principals, control over native assembly at the mother house was bound to contribute to the general decline in the internal discipline of the English communities and to the growing nationalization within the order. The most striking instance of these tendencies in the years from 1306-1337 occurs at Bindon in Dorset. John Montecute, elected head of that community in or about 1316, proved so unsuitable a governor that he was deposed and Roger Hornhull put in his stead.[66] For several years thereafter the community enjoyed only fitful terms of peace. From a letter of Edaard III to abbot William IV of Cîteaux (1315-1337)

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his confrontation with Philip and that Edward issued it without knowledge of his detention.

[65] In 1335 when brother Bernard, Clairvaux's envoy, arrived he was authorized to visit "certain houses subject to that abbot." CCR(1333-1337), p. 489 He is the only exception recorded. During the tense months immediately preceeding Edward II's deposition royal port wardens were commanded to search for "suspect letters" as well as apportum. Ibid.(1324-1327), pp. 211,542.

[66] Bindon's misfortunes did not originate with Montecute but arose out of poor relations with their neighbours and some poor business transactions. CCR(1296-1302), p. 120; CPR(1288-1396), pp. 192,260,317-318,367; CFR(1272-

and the instructions given to royal commissioners we learn that when Hornhull took office his predecessor and eight of the brethern seceeded and allied themselves to a gang of local hoodlums and began attacking and harassing the properties and employees of the house. On one occasion the rebels took physical possession of the cloisters and proceeded to wreak their will. Animals valued at £700 were driven off and books, chalices, vestments and the conventual seal carried away. A few of the faithful religious were captured and dragged off to Doncaster. Hornhull's position was made the more difficult by the fact that abbot John Chidley (1330-1354) of Forde, his immediate superior, aided and abetted Montecute's lawlessness.[67] After the plundering incident abbot Roger appealed to the crown. By the latter half of May 1329 the English king appointed the earl of Devon, Hugh Courtney, the abbot of Beaulieu and Hugh Peynz as guardians of the house with explicit instructions to recover all the goods which had been stolen. This was the first of five similar commissions appointed by the Crown in the next two years.[68] Our records do not indicate why so many missions were required but they might be explained on the grounds that there was a fair amount of support for

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1307), pp. 368-369. Statutes do not record this ouster.

[67] CCR(1330-1333), p. 619

[68] Ibid.(1327-1330),pp. 384,391;CPR(1330-1334),pp. 19,63,

Montecute in the neighbourhood and that the breakdown in communications between England and Cîteaux prevented any decisive capitular action against abbot Chidley. Be that as it may, at the end of April 1331 the ringleader and one of his aides were apprehended near London and a royal writ of aid was given to those entrusted with the business of returning them to Bindon for discipline. On route Montecute managed to escape his guards and remain at large until late July when he was recaptured, placed under a heavy guard, and restored to his abbot. In the interim royal officers had rounded up the other dissidents and clapped them into jail. In custody Montecute was as dangerous as when free for king Edward requested Cîteaux to order the banishment of the rebels to more distant establishments and to transfer the visitation of Bindon from abbot John of Forde to someone more discreet.[69]

The situation at Bindon reflects to some degree also Cîteaux's inability to maintain its primitive ideals. Almost everywhere the exemption privilege had given way to indirect secular control, wealth had overshadowed the spirit of poverty, good observance and discipline were replaced by malpractice and laxity, and, most distracting of all, overmuch

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131,203.

[69] CPR (1330-1334), pp. 142,201; CCR (1330-1333), p. 619

concern with commercial transactions and litigation was substituted for solitude. Papal concern about the disintegration of the Cistercian spirit found expression in Benedict XII's bull, Fulgens sicut stella, published in 1335 after consultation with Cîteaux and the abbots of three of her first daughters. In fifty-seven clauses the pontiff dealt with every major issue and abuse then embarrasing the order. But however well intentioned and determined Benedict may have been to restore the gleam to "the morning star in the middle of a clouded sky"[70] his efforts had no enduring influence. Resistance to reform from within, the less zealous attitude of later pontiffs and the socio-economic changes resulting from the Great Plague and the Hundred Years War ensured the continuance of the march away from primitive commitments.[71]

Further assaults against Cistercian unity were made with the renewal of hostilities between the English and French kingdoms in the late spring of 1337. The English monarch anticipated the struggle by republishing in more stringent terms the ban on the export of money in January of that year.[72] During the summer months all alien property including the estates of the Cistercians was seized by the crown.[73] In the middle of July 1343 rumors had reached the king that envoys of the abbots of Cîteaux and Premontré had arrived in the island intending to collect the _apporta_ due from their affiliates. Letters were again despatched to all abbots and priors of these orders to deliver the _apportum_ which they owe, as well as the arrears of the previous six years, to the Exchequer.[74] Those who refused to comply were to be distrained. Only the chronicler of Meaux provides us with any information about the execution of this directive on the local level. Abbot Hugh Leven was attached to satisfy the king in the matter but he replied that neither he nor any of his

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[70] J.B. Mahn, Le Pape Benôit XII et les Cisterciens, (Paris: Bibliotheque de l'école des hautes études, 1949), p.75 ; Note also the excellent article by J. McNulty, "Constitutions for the Reform of the Cistercian order, 1335," Transactions of the Lancashire and Cheshire Antiquarian Society, LVII (1933-1944), 157-167.

[71] For the protests against reform see, A. King, Cîteaux and her elder Daughters, p. 53 Some of the later papal dispensations are noticed in C.I. Wulf, Compendium of the History of the Cistercian order, (St. Louis, privately printed, 1944), p. 198; Lekai, The White Monks, p.6

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72. _CCR_ (1333-1337), p. 643. Sixteen months later the order was published anew. _Ibid_. (1337-1339), p. 414 In the next year Cîteaux appointed certain abbots, whether English or French is not stated, to visit the abbey of Bruern, then in trouble because of its abbot. _CPR_ (1338-1340), p. 169; (1350-1354), p. 62.
73. _Foedera_, IV, 778 This is clear from a royal letter to the treasurer and barons of the Exchequer. _CPR_ (1340-1343), pp. 374,441; (1354-1358), p. 132; _CCR_ (1346-1349), p. 480 The king immediately proceeded to farm these properties out to the proctors of the alien abbots at specified sums. A like policy was followed with regard to the alien priories. Matthew, _Norman Monasteries and their English Possessions_, pp. 90-91
74. _CCR_ (1343-1346), pp. 74-75

predecessors owed apportum to his superior in foreign parts and that he was willing to prove it. A jury was empaneled at Beverley and gave sworn testimony supporting the abbot's contention. In the next year another inquest was held at York on the same matter and again vindicated his claim. Abbot Hugh was allowed to go *sine die; salva regi actione alias si, etc.*[75]

Contact between England and Cîteaux was made even more tenuous by the conflict between Edward III and the Valois, and, of the twenty Chapters which assembled in the period from 1344 and 1365 Englishmen seem to have been present at only seven of them.[76] On the other hand the disorder and chaos which prevailed over most of northern France prevented visitation of the English houses by continental authorities. The General Chapter therefore, in the early part of 1350, delegated the powers of visitation to all Anglo-Welsh communities to the abbot of Stratford. He was to be assisted by Ralph Saint Martin, described as the Warden of the house of Benington, and Ralph lePorter. Special letters of protection were issued by the king to expedite their mission.[77] In the next year the General Chapter established a new commission with powers of correction and visitation which were to last for three years.[78] No names were contained in the Cistercian record but this deficiency seems to be made up in part by an entry in the chancery rolls, In mid-June of 1353 abbot John Lindelay of Whalley (1350-1387) and abbot Adam Stanlegh of Rewley (1351-1370) "going by command of their superiors to all places of the order in England and Wales to further business affecting the order" received royal protection during the execution of their duties.[79] Whether in fact John and Adam continued their work through to 1355 as provided for by the General Chapter is not known. In June of 1354 the king extended protection and safe conduct for one year to the monk John Aldenardo, proctor and chaplain to cardinal William, bishop of Tusculum. John had come to England on business affecting "the cardinal and the said order."[80] Meaux's chronicle discloses the nature of that business. Pope Innocent VI had ordered certain of his legates to undertake a visitation of the entire order. From the moment the task was begun the

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[75] *Meaux*, III, 29-30

[76] This figure is based on the letters patent and close granting to the abbots of the order permission to go overseas and/or letters of protection for their properties while they are absent. It includes those notices indicating that the abbots were abroad "on the business of his house," and those whose expressed intention was to go to the Roman court. It seems very unlikey that a side visit to the mother house at Dijon

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was not included in these journeys.

[77] CPR(1348-1350), pp. 490,497

[78] Statuta, III, (1352:13)

[79] CPR(1350-1354), p. 466

[80] Ibid.(1354-1358), p. 73

visitors extorted as much money as they were able in support of papal projects. Upon which, cardinal William, a former Cistercian, intervened and by promising 6000 florins paid in advance secured the recall of the papal agents.[81] To all appearances then the monk John's mission was to collect the English portion of that sum. Yet no mention is made in the chronicle about Meaux's contribution nor does the royal licence allow John to retrrn home with anything other than "his expenses in gold and silver."

The last recorded visitations of the English houses in the days of Edward III were made by the abbots of two of the first four daughters. In the year following the English victory at Poitiers, the renowned theologian abbot Bernard II of Clairvaux (1345-1358) sent one of his subjects, John de Barra, to tour the island communities. Of his mission we know nothing. In March of 1362 abbot Raymond of Pontigny and his escort of twenty mounted men and footmen were given protection and safe conduct so that a general visitation commanded by the General Chapter could be undertaken.[82] Some details of his work have survived. On his arrival he associated with him John, abbot of Whalley, John abbot of Boxley and

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[81] Meaux, III, 153

[82] CPR (1354-1358), p. 627; (1361-1364), p. 172

Dom Sampson, a monk of Savigny. The party arrived at Meaux on 26 May, a short while after an unscrupulous intriguer, the *quondam* abbot John Ryslay, had made terms with his community.[83] In the interval between these two missions the treaty of Bretigny-Calais ended for a time the expense and horrors of war. As a consequence Edward III ordered the restoration of the "lands, rents, fees and advowsons" belonging to the foreign Cistercians.[84] Whether they were to remain in their hands during the next round of hostilities which began in 1369 we have no sure means of knowing. We do know, however, that in the last year of the king's life, when the war was being waged "with ineptitude and failure" John Dullemont, abbot of Clairvaux (1360-1380) and commissary general of the General Chapter, was issued with a charter of protection with clause *rogamus* prior to a general visitation of the English houses of the order. This was the last mission of a senior alien superior to the Anglo-Welsh communities until after the year 1410.[85] The story of the island's monks during the Great Schism has been too well told by Rose Graham to require any additional comment

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83. *Meaux*, III, 150-151
84. *CPR*(1358-1361), pp. 552,558 Thus the king, ignoring patronal interests presented to the vicarage of Roderham "in the king's gift by reason of the temporalities of the abbot of Clairvaux being in his hands on account of the war with France." *CPR*(1340-1343), p. 374
88. *CPR*(1374-1377), p. 279

here. It only suffices to say that the developments which took place in the Anglo-Welsh branch in respect to internal discipline and government during the troublous period was merely the refinement and elaboration of attitudes and policies begun earlier in the century.[86]

We can now turn to that part of the law which we have kept in abeyance. Clause four establishes that in those monasteries where the seal has hitherto been in the custody of the abbot and not of the community - the Cistercians and Premonstratensians are cited especially - the convent is to have its own seal.[87] This seal is to be under the control of the prior and four of the most worthy and discreet men of the community. The purpose of this ordinance is stated in

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86. R. Graham, "The Great Schism and the English monasteries of the Cistercian order," EHR, XLIV (1929), 373-387

87. Et insuper ordinavit Dominus Rex et Statuit, Quod Abbas Cisterciensis, et Premonstracenis Ordinum, et aliorum Religiosorum, quorum sigillum in custodia Abbatis, et non Conventus prius residere tummodo consuevit, de cetero habeant Sigillum commune, et illud in custodia Prioris Monasterii, seu Domus, et quatuor de dignioribus, et discretioribus ejusdem loci custodiendum deponant. Ita quod Abbas, seu Superior Domus qui praeest per se contractum aliquem seu obligationem nullatenus possit firmare, sicut hactenus facere consuevit. Et si forsan aliqua scripta obligatoria donationum, emptionum venditionum, alienationum, seu aliorum contractuum quorumcumque, alio sigillo, quam tali sigillo communi, sicut permittitur custodito, inveniantur amodo sigillata, pro nullis penitus habeantur, omnique careant firmitate. Statutes of the Realm, I, 151; Rot. Parl. I, 217b

unequivocal terms, "that the abbot should be able of himself to establish nothing." All future undertakings bearing only the seal of the abbot will be adjudged void and of no force in law.[87] For lack of evidence to the contrary I think it fair to assume that this facet of the Statute was also inspired by the men of religion, and, because it coincided with the ternary intentions of the Crown, royal approbation was easily acquired.

The seal, abbatial or conventual, is of incontestable importance in the life of a religious community. In law it provided conclusive evidence of a transaction and bound its owner.[88] By itself it is a passive instrument. In the hands of a wise and discerning superior it could be transformed into a cornucopia of worldly successes. Possessed by a poor and injudicious administrator it could just as easily play the role of "snakes and scorpions." That it was more often cast

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87. In English law there was no question but that the king could decide what was to be regarded as true and legal instruments, whether in conveyancing or otherwise.

88. Year Book, 20 Edward III, 2 pts., ed. L.O. Pike, Rolls Series, No. 31 (London, 1908-1911), pt. I, 96,98; P & M, II, 217-225; CPR(1361-1364), p. 526 The importance attached to the seal by a Cistercian community is illustrated in a royal mandate to the sheriffs and bailiffs of the nation to arrest a vagabond monk of Beaulieu who had "with him a false seal like the seal of the chapter of the said house, on account of which the abbot and convent fear they may incur damage through fraud and malice of the said monk." CPR(1258-1266),

in the latter piece is certain from the chronicles and chartularies of virtually every Cistercian cloister in the nation for, while the abbot was obliged to consult with his subjects before committing them to any irrevocable course he was not compelled to take their advice.[90] Now, however, the crown was determined to preserve not only its own right to interfere in the internal operations of the individual community but to protect the interests of baronial patrons. Mismanagement, malfeasance or anything which tended to diminish the material endowment of a monastery was the business of the king. Thus by inhibiting the power of the abbot in ordering the fiscal assets of his community and by giving the maior et sanior pars a greater voice in the material government of their communities, the Crown took a step in the direction of insulating itself and other patrons against future pleas for assistance arising out of the incompetence or unbusiness like conduct of superiors. As well this ordinance must be looked upon as constituting an integral part of the general prohibition against apportum and, while no evidence has turned up to

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p. 481 A vagabond abbot in fact used the conventual seal to make injurious contracts. Ibid.(1247-;258), p. 565; C.Chan.W.(1244-1326), p. 498

[90] supra, p. 204 The Holy Rule, which the Cistercians prided themselves as being the most strict devotees of, provides for such consultation . Yet in the end the abbot's will must prevail and be obeyed.

demonstrate that the abbatial seals of English houses were used to contract obligations in favour of Cîteaux in lieu of apportum, it is clear that the Crown was aware of the possiblity.[91]

There is just sufficient evidence to prove that the clause was obeyed. When in 1331 John Montecute laid seige to the abbey of Bindon he and his cohorts "broke open a coffer containing the seal of the abbey, and carried away the seal ..."[92] Significantly also when Benedict XII undertook to revamp the financial administration of the Cistercian family he followed the precedent established by the English crown of restricting the absolute power of the abbot over the finances. Henceforward all alienations of lands, rents and rights must first have the consent of the community as well as the special licence of the General Chapter. The latter could be acquired only after a written process of the intended transaction had been submitted and an investigation had been completed by two capitular delegates. These requirements having been satisfied, the abbot of the community concerned and the father abbot closed the transaction by afixing their seals to the instrument.[93] Order was introduced into financial records by the appointment, in every community, of a treasurer. His duty was to keep up monastic accounts and to report annually to the General Chapter.[94] The traditional roles of monarch and pope were, therefore, completely reversed in respect to the Order by the beginning of the fourteenth century. The legal ramifications of this statute were especially obvious to Sir Edward Coke. In the words of Maitland this law, "should be famous, for it was one of the few illustrations that Coke could give of his doctrine that a statute may be void for unreasonableness;..."[95] But then the age of Anagni, Avignon, Provisors and Praemunire was not one of sweet moderation.

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[91] Graham, English Ecclesiastical Studies, p. 75; Colvin, The White Canons in England, p. 217 have found notices to show that money and valuables were taken over to foreign superiors in defiance of the statute.

[92] CPR(1330-1334), p. 63 Dated 23 January 1331

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[93] *Statuta*, III, (1335:4,5)

[94] *Ibid*. III, (1335:11,12) A good general discussion on the financial crisis in Cistercian life at this time is Mahn, "*Le Pape Benôit XII et les Cisterciens*," (Paris: Bibliotheque de l'école des hautes études, 1949).51 *seq*.

[95] *P & M*, I, 509

CONCLUSION

Having attained the goals set out in the preface we may now attempt to gather the threads of our investigations and to present a synthetic view of the subject. To bring clearness and co-ordination into a work which, in many of its details, has been continuously confronted with lacunae, obscurities and contrasts, is no easy task but one which all agree is unavoidable.

Our essay began with the fact that when the ordinary revenues of the Crown proved inadequate to meet the spiraling costs of government, various expedients, some legal and others illegal, were employed by the king to relieve the situation. In the search for new taxation units, the status of the Cistercians was often assailed. Apart from the frequent and unscrupulous abrogation of their exemptions by king John and the occasional composition made to his son, the monks were able to resist any attempt to change their status until the middle of the century. The grant of a tenth by Pope Innocent IV to Henry III for the purpose of a crusade marks the first major alteration in the standing of the Order. Because their exemption did not comprehend papal impositions for such extraordinary projects the Cistercians were bound to contribute to this tax. Henry III was prevented by the civil war from exploiting to the full the advantage given to him by this concession. Not so his son and successor.

Edward I regularized the collection of payments or gifts - described euphemistically by king and religious as curialtas - and thereby circumvented the immunity of the Order. Yet, "too many expedients spoil an affair," and so it was for Edward. The flurry of crises which faced him in the early 1290's was so compelling that he sought financial relief on a grand scale from the most broadly based parliament summoned up to that date. Not since the gathering convoked by de Montfort some three decades earlier had the White Monks been present at such a formal secular gathering.

Two problems are associated with the calling of the Cistercians to Parliament; the one arises out of the apparent contradiction that exists between the possession of estates in pure, free and perpetual alms and the secular service they were called upon to render by the directed writs of convocation; the other is the peculiar and irregular composition of the parliamentary delegation. The former seems to be explained best by the pre-Gregorian tradition which stressed the lordship and protectorship exercised by the prince over the whole church within his sphere of jurisdiction, Eigenkirche, and to a lesser extent, by the long standing service of counsel rendered by members of the Order to various of Edward's predecessors. The latter point is usually explained in economic terms, namely, that the wealthiest abbots were normally preferred over their less affluent colleagues. On examination there is no real evidence to refute this view. As for the decline in Cistercian attendance it is clear that its beginnings correspond with the end of Edward I's reign. Regular taxation by way of papal subsidies and the grants furnished through provincial convocations made the presence of the monks in parliament superfluous. To the Cistercians, loath to continue the expense and inconvenience of attendance especially when so little advantage was to be obtained, the shift in royal policy was most welcome and whenever the opportunity was afforded to turn it to account they did so.

But Parliament was not summoned merely to provide legal sanction for royal impositions and, even before the White Monks were called upon to participate, several pieces of legislation were enacted which directly touched the material and spiritual well-being of the Order. By Statute of Westminster I the abuse of monastic hospitality was proscribed. The charges upon the charity of the religious had grown so heavy and become so frequent that the very existence of many communities was threatened. Our inquiry has disclosed that the greatest of all offenders was the Crown and that its exploitation assumed a variety of forms. Aside from the frequent private visits which he made with his courtiers the king, on occasion, directed his armies against Scots and Welsh from within Cistercian walls. Not infrequently, when the tide of battle was reversed, the first to feel the wrath of the king's enemies were those who had given him shelter and sustinance. Moreover, royal officials of all degrees were never long absent from monastic guest houses. Should the welcome they were given be deemed inappropriate to their station means were easily found to evince displeasure in a manner their hosts would not soon forget. Of all the shapes which misuse was to assume the most methodical was the corrody. In 1296 Edward I resolved, because of continuing financial difficulties, to economize in his housekeeping operations by despatching superannuated retainers to the religious for support in lieu of giving them cash pensions. Besides achieving his immediate goal this policy also had the effect of dismantling still further the Cistercian exemption. Strangely no resistance of a substantial nature to the scheme is recorded until the early years of the reign of Edward III when, it might be noted, the system was already in decline.

On the face of it the Statute of Westminster II was formulated, like its earlier namesake, to protect and preserve the religious institutes. In this instance the material resources of the cloisters were to be sustained by providing patrons with legal means of retrieving endowments alienated by superiors caught up in ill-conceived policies. Now inasmuch as the crown claimed to be the general guardian of all religious institutes in the kingdom, Westminster II merely imparted a legal pretext for royal supervision of the affairs of destitute communities, and, by 1295 mismanagement, natural disaster, papal and royal taxation, had placed many Cistercian houses in precarious circumstances. The establishment of custodial commissions to impoverished cloisters resulted in the evolution of certain rules and practices. Thus, whenever a cleric was nominated to a commission for a White Monk community he was usually a Cistercian, often the abbot of the mother house, or, if not a member of the order the ordinary of a diocese. Lay custodians were drawn from nearly every level of society although, in later years, it became the custom to appoint socially prominent or politically important figures as well as one or more persons of lesser status to the same legation; the former to lend prestige and the latter to carry out the service. Unfortunately we know little about the powers and duties of the commissioners, Cistercian records do not even mention them while royal instructions are couched in very general terms. Frequently, the work of the custodians was expedited, and a measure of relief was provided, by special charters of protection drawn up at the time of appointment.

The first piece of legislation aimed directly at controlling the material growth of the ecclesiastical power and in particular that of the Cistercians was the Statute of Mortmain. By it all alienations in pure, free and perpetual alms were prohibited. In one stroke the king blocked off the sole means whereby the Order could expand. Yet the law was not meant to be absolute . Royal dispensations from its observance were issued from the outset, these however placed the monks in a position of dependency. Special procedures and practices were developed by royal administrators to govern the issuance of these exemptions; petition, inquisition and grant being the three stages through which all alienations passed. It is commonly asserted and widely believed that for every dispensation issued the Crown exacted whatever toll the traffic would bear. Yet a comparison of the warrants issued and the fines levied shows that this claim is erroneous. Rather it would seem that the imposition or non-imposition of a fine was determined, in the main, by whether or not it was politically expedient, financially advantageous or personally acceptable. On the other hand Sir Edward Coke's observation that the religious always employed the best legal advisors in order that they might find ways to evade the law is amply illustrated by Cistercian activity and the continued effort on the part of the crown to eliminate each new stratagem as it appeared. Besides the alienation of land and rent the Statute also prohibited the alienation of advowsons and the appropriation of churches and, although the rules of the Order precluded parochial ministry, the White Monks were frequent supplicants for such rights and interests,

Finally, in the last year of his life, Edward promulgated a Statute at Carlisle which restricted the export of money out of the kingdom by churchmen. The legal significance of this enactment is that it served as a precedent for subsequent statutes that restricted papal authority over England. More immediately it forbade religious bodies with foreign superiors, in particular the Cistercians, from forwarding to Cîteaux any tribute whether in the guise of a tax, rent, tallage or gift. Likewise it debarred foreign superiors from demanding such payments from English communities. All the evidence at hand suggests that the English abbots of the Order were the real authors of this law. Their reasons were varied; the demands of the abbot general had increased in frequency and amount; many communities were unable to make any contribution because of papal and royal exactions and, the virus of nationalism had begun to infect their ranks.

King Edward of course had his own reasons for such legislation. On the one hand the law assured him that English money would not fall into the hands of his old enemy and, on the other, the subjection of the Cistercians to the Crown was carried still another step forward.

When, therefore, Edward II, took up the **reins** of office statute law had subordinated the material resources of the Order to royal control. Henceforward Cistercian exemptions were more honoured in the name than in the substance.

APPENDICES

Appendix "A"

CISTERCIAN HEADS OF HOUSES SUMMONED TO PARLIAMENT 1264 - 1399.

Day	10	9	24	30	26	29	26	2	24	12	13	3	26	4	16	16	8	6
Month	xii	viii	vi	ix	viii	xii	xi	vi	vii	xi	vii	xi	vii	iii	vi	iii	vii	xi
Year	1264	1294	1295	1295	1296	1299	1300	1302	1302	1304	1305	1306	1307	1309	1311	1312	1312	1319
Basingwerk	-	s	-	s	s	s	s	-	-	s	-	s	s	s	s	s	s	-
Beaulieu	s	s	-	s	s	s	s	-	-	s	-	s	s	s	s	s	s	-
Biddlesden	s	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bindon	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Boxley	-	s	-	s	s	s	s	s	s	-	-	-	-	-	-	-	-	-
Buildwas	-	s	-	s	s	s	s	s	s	s	-	-	-	-	-	-	-	-
Byland	s	s	-	s	s	s	s	s	s	s	-	s	s	s	s	s	-	-
Combe	-	s	-	s	s	s	s	s	s	s	-	s	s	s	s	s	s	-
Combermere	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Croxden	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Dieulacres	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-

Appendix "A" - continued

Dunkeswell	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Flaxley	s	s	-	s	s	s	s	-	-	s	-	s	-	-	-	-	-	-
Fountains	s	s	-	s	s	s	s	-	-	s	-	s	s	s	s	s	-	s
Furness	s	s	-	s	s	s	s	s	s	s	-	s	s	s	s	s	s	s
Garendon	-	s	-	s	s	s	s	-	-	s	-	s	s	s	s	s	-	-
Hayles	-	-	s	-	-	-	-	-	-	-	-	-	s	s	s	s	s	-
HolmCultram	-	s	-	s	s	s	s	-	-	s	-	s	s	s	s	s	s	-
Jervaulx	-	s	-	s	s	s	s	s	s	s	-	s	s	s	s	s	s	-
Kingswood	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Kirkstead	s	-	s	s	s	s	s	-	-	s	-	s	s	s	s	s	s	-
Kirkstall	s	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Louth Park	s	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Meaux	s	s	-	s	s	s	s	s	s	s	-	s	s	s	s	s	s	-
Merevale	s	s	-	s	s	s	s	s	s	s	-	-	s	s	s	s	s	-
Netley	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Newenham	-	-	-	-	-	-	-	-	-	-	-	-	-	s	s	s	s	-

Appendix "A" - continued.

Newminster	-	s	-	s	s	s	s	s	s	s	-	s	s	-	-	-	-	-
Pipewell	-	s	-	s	s	s	s	-	s	s	-	s	s	s	s	s	s	-
Quarr	-	s	-	s	s	s	s	s	s	s	-	-	-	-	-	-	-	-
Revesby	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Rievaulx	s	-	-	-	-	-	-	-	-	-	-	-	-	-	s	s	s	s
Roche	s	s	-	s	s	s	s	s	s	s	-	s	s	s	s	s	s	-
Rufford	s	s	-	s	s	s	s	-	-	s	-	s	s	s	s	s	s	-
Salley	-	s	-	s	s	s	s	s	s	s	-	s	s	s	s	s	s	-
Stanley	s	s	-	s	s	s	s	-	-	s	-	s	s	s	s	s	s	-
Stoneleigh	-	s	-	s	s	s	s	-	-	-	-	-	-	-	-	-	-	-
Strata Florida	-	s	-	s	s	s	s	s	s	s	-	-	-	-	-	-	-	-
Stratford	-	s	-	s	s	s	s	-	-	s	-	s	-	-	-	-	-	-
Swineshead	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Thame	s	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tilty	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Tintern	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-

Appendix "A" - continued.

Vale Royal	-	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Vaudey	s	s	-	s	s	s	s	s	s	s	-	s	s	s	s	s	s	-
Wardon	s	s	-	s	s	s	s	-	-	s	-	-	-	-	-	-	-	-
Waverley	s	s	s	s	s	s	s	s	s	s	s	-	-	-	-	-	-	--
Whitland	-	s	-	s	-	-	-	-	-	-	-	-	-	-	-	-	-	-

APPENDIX "B"

ROYAL VISITS TO CISTERCIAN CLOISTERS, 1272 - 1399.

Community	Day and Month	Year
Beaulieu	24-28 Jan.	1275
Thame	24 July	" "
Merevale	16-17 Aug; 17 Sept.	" "
Bindon	31 Dec.- 4 Jan.	1275-1276
Beaulieu	19 Aug; 2 Sept.	" "
Bruern	12-14 Jan.	1277
Basingwerk	26-29 July; 18-25 Aug.	" "
Thame	1 May; 9 Dec.	1281
Hayles	18 Jan.	1282
Stanley	26 March; 23 April	" "
Vale Royal	6 Sept.	1283
Hayles	5 Dec.	" "
Conway	cf. O'Sullivan, Op. Cit. 70-71	1284
Neath	12 Dec.	" "
Beaulieu	15-16 Nov.	1285
Forde	15 Dec.	" "
Rufford	18-19 Sept.	1290
Bruern	1-3 March	1291
Boxley	14 Dec.	" "
Waverley	10-16 Feb.	1292
Pipewell	2 Sept.	" "
Garendon	1-4 March	1293
Beaulieu	6,9 Sept.	" "
Conway	cf. O'Sullivan, Op. Cit. 71-72	1295
Newminster	29 Sept.	1296
Forde	1 April	1297
Buckfast	8-10 April	" "
Robertsbridge	8 Aug.	" "
Waverley	24-25 Aug.	1299
Stratford	4,7 April	1300
Newminster	5-6 Jan.	" "
Holm Cultram	6,13,15-16 Sept; 1-11 Oct.	" "
Hayles	23-24 March	1301
Waverley	16 Jan.	1303
Boxley	29-31 July; 1 Aug.	1305
Bindon	20-25,30 Jan.	1306
Woburn	24-26,28 June	" "
Holm Cultram	6 July	1307
Stanley	21-22 June	1308
Stratford	12-14 March	1309

Appendix "B" - continued.

Woburn	22 July	1309
Newminster	7-11 Sept.	1310
Kirkstead	5 July	1312
Swineshead	6-7 July	""
Newminster	2-8 June	1314
Woburn	14 Aug.	1315
Sawtry	19-22 Oct.	""
Thame	11 Feb.	1320
Croxden	8 Nov.	1323
Sawtry	29 Nov.	1324
Robertsbridge	27 Aug.	""
Tintern	14-16 Oct.	1326
Revesby	11 Sept.	1328
Swineshead	12-13 Sept.	""
Newenham	18-20 Jan.	1329
Thame	16-17 March	""
Stratford	15 Oct.	""
Stratford	28-30 April; 1 May	1331
Waverley	18 Nov.	""
Meaux	13 Jan.	""
Stratford	12 March	1332
Thame	3,25-28 Oct;1-27 Nov; 6 Dec.	1337
Newminster	5-7,12,16,18,20-24,26 Jan.	1342
Thame	7-10,20,24-28 Sept; 1-13 Oct.	1347
Flaxley	4,8,10,16 Sept.	1349
Beaulieu	2 July;15-31 Aug; 1-23 Sept.	1361
Beaulieu	17-20 July; 25 Aug.	1366
Rewley	26-31 July	1388
Beaulieu	25,30 Aug; 4 Sept.	1394
Margam	10-11 Sept.	""

These places and dates have been collated from the Exchequer and Chancery rolls.

Appendix "C"

Writs *de* *Corrodio* *habendo* issued to Cistercians, 1272-1399

Community	Corrodier	Date	Authority
Beaulieu	Armis, William	23 Jan. 1336	*CCR* (1333-1337),540
	Burghull,John	26 Sept 1381	" (1381-1385), 87
	Caloigne, John	17 Mar. 1345	" (1343-1346),558
	Lovedin, Thomas	16 Apr. 1361	" (1360-1364),289
	Pagham, Petronilla	11 Mar. 1351	" (1349-1354),352
	Plane, Simon	26 Feb. 1318	" (1313-1318),599
	Rydere, William	12 Nov. 1382	" (1381-1385),253
	Standewyk, John	7 Oct. 1340	" (1339-1341),642
Biddlesden	FitzWilliam, Henry	10 Sept 1272	" (1268-1272),524
Bindon	Calch, Robert	13 May 1396	" (1392-1396),517
	Daash, John	28 Dec. 1309	" (1307-1313),239
	Fleming, Robert	6 Sept 1360	" (1360-1364),131
	Martyn, Gilbert	9 Dec. 1361	" (1360-1364),302
	Morvyle, John	18 Apr. 1396	" (1392-1396),504
	Prest, Henry	13 May 1335	" (1333-1337),483
Bordesley	Bosdoun, William	4 June 1390	" (1389-1392),191
	Buterley, Stephen	11 Feb. 1338	" (1337-1339),384
	Chapele, Robert	25 June 1310	" (1307-1313),116
	Fauconer, Denis	12 Dec. 1375	" (1374-1377),228
	Imworth, Barth.	20 July 1343	" (1343-1346),127
	Lawrence, Henry	21 Apr. 1355	" (1354-1360),191
	Were, John	22 Feb. 1396	" (1396-1399),147
Bruern	Coroner, Geoffrey	16 Dec. 1318	" (1318-1323),117
	Devyas, William	27 Jan. 1377	" (1374-1377),517
	Withele, John	10 Nov. 1395	" (1392-1396),504
Buckfast	Hastynges, John	27 June 1392	" (1389-1392),550
	Wescote, William	3 Feb. 1384	" (1381-1385),431
Buildwas	Brugg, Peter	28 Aug. 1339	" (1339-1343),265
	Flof, John	10 June 1304	" (1302-1307),209
Byland	Lyoun, Thomas	20 Sept 1316	" (1313-1318), 43
	Troxeford, Richard	12 Dec. 1329	" (1327-1330),587
	Blakewell, John	18 July 1361	" (1360-1364),277

Appendix "C" - continued

Coggeshall	Bristoll, William	11 July 1318	CCR	(1313-1318),556
	Chernok, Adam	21 Feb. 1329	"	(1327-1330),527
	Dene, John	14 Apr. 1362	"	(1360-1364),397
	Ewer, Robert	6 June 1312	"	(1307-1313),461
	Holland, Thomas	3 Feb. 1331	"	(1330-1333),275
	Panetrye, Henry	4 Dec. 1297	"	(1296-1302),188
	Porter, Richard	8 Aug. 1383	"	(1381-1385),396
	Ry, Richard	23 May 1299	"	(1296-1302),308
	Thorne, John	23 May 1388	"	(1385-1389),491
Combe	Noble, Richard	18 Mar. 1305	"	(1302-1307),320
Combermere	Chaufecire,Richard	15 Aug. 1312	"	(1307-1313),548
	Russell, John	7 Aug. 1386	"	(1385-1389),253
Croxden	Harwe, Richard	16 Dec. 1318	"	(1313-1318),116
Dieulacres	Birforde, Giles	20 May 1394	"	(1392-1396),292
	Preston, Richard	5 Nov. 1344	"	(1343-1346),486
	Rose, Hohn	7 Jan. 1383	"	(1381-1385),418
	Swetenham, Matthew	7 Jan. 1383	"	(1381-1385),418
	Wodworde, Richard	20 May 1394	"	(1392-1396),292
Flaxley	Kent, John	13 Nov. 1316	"	(1313-1318),437
Forde	Barton, Robert	2 June 1335	"	(1333-1337),497
	Serle, John	18 May 1345	"	(1343-1346),580
	Thorpe, Geoffrey	14 Apr. 1319	"	(1318-1323),117
Fountains	Beverle, Alan	18 Dec. 1348	"	(1346-1349),609
	Buterie, Alexander	22 Sept 1375	"	(1374-1377),252
	Corouner, Geoffrey	18 Apr. 1317	"	(1313-1318),462
	Messager, Patrick	28 Aug. 1342	"	(1341-1343),653
	Pyrcy, Alice	10 Jan. 1356	"	(1354-1360),242
	Wakefield, Ralph	28 Feb. 1317	"	(1313-1318),552
	Waltham, John	26 June 1329	"	(1327-1330),552
Furness	Eslake, John	14 May 1387	"	(1385-1389),316
	Ferrour, Hugh	8 May 1374	"	(1374-1377), 78
	Grendon, Elias	22 Nov. 1304	"	(1302-1307),302
	Kendall, Thomas	12 Mar. 1303	"	(1302-1307), 77
Garendon	Collee, Nicholas	4 Feb. 1333	"	(1333-1337), 89
	St.Albans, Thomas	30 Nov. 1332	"	(1330-1333),616

Appendix "C" - continued.

Hayles	Brokhales, William	24 Feb. 1311	CCR	(1307-1313),344
	Fauconer, Henry	28 Dec. 1358	"	(1354-1360),539
	Feld, John	26 Nov. 1391	"	(1389-1392),525
	Ferour, Adam	12 June 1317	"	(1313-1318),421
	Gamboun, William	20 May 1370	"	(1369-1374),181
	Harle, John	15 July 1339	"	(1339-1341),247
	Mouns, James	19 Mar. 1345	"	(1343-1346),557
	Touk, John	1 Apr. 1343	"	(1343-1346),104
	Venour, Sampson	4 Nov. 1315	"	(1313-1318),318
Kirkstall	Broke, John	7 Feb. 1357	"	(1354-1360),389
	Merlyn, Adam	30 Apr. 1354	"	(1354-1360), 74
	Kigheley, Roger	24 Jan. 1317	"	(1313-1318),451
	Lancaster, Richard	16 Aug. 1360	"	(1360-1364),128
	Quatresouz, Thomas	6 Jan. 1305	"	(1302-1307),313
Kirkstead	Beverlaco, Gilbert	11 Apr. 1318	"	(1313-1318),606
	Ware, Simon	10 Aug. 1309	"	(1307-1313),228
St. Mary's	Maudeleyn, John	29 Sept 1387	"	(1385-1389),439
	Serle, William	17 June 1394	"	(1392-1396),295
Louth Park	Dautry, William	24 Feb. 1318	"	(1318-1323),597
Meaux	Bulge, Simon	22 Mar. 1303	"	(1302-1307), 77
	Etton, Robert	14 Nov. 1309	"	(1307-1313),235
	Gaynesburgh, Lucy	23 Feb. 1353	"	(1349-1354),589
	Hantonst, Henry	11 Oct. 1316	"	(1313-1318),436
	Manchestre, Will.	9 June 1374	"	(1374-1377), 80
	Tothull, John	14 Aug. 1302	"	(1302-1307),597
	Wyncelowe, Will.	10 Sept 1382	"	(1381-1385),213
Netley	Bachdier, John	16 Oct. 1327	"	(1327-1330)231
	Porestria, Will.	1 Nov. 1343	"	(1343-1346),249
	Prust, Hugh	Sep-Oct 1329	"	(1327-1330),571
	Russell, Ralph	10 Mar. 1317	"	(1313-1318),452
Pipewell	Barker, Thomas	25 Dec. 1317	"	(1313-1318),446
	Eyston, Thomas	22 Sept 1375	"	(1374-1377),228
	Gardiner, John	30 Apr. 1354	"	(1354-1360), 70
	Halle, William	4 Apr. 1330	"	(1330-1333),135
	Somery, Henry	2 May 1310	"	(1307-1313),257
	Spenser, William	10 May 1396	"	(1392-1396),509
Quarr	Glaunvyll, Bened.	13 Apr. 1330	"	(1330-1333),135

Appendix "C" - continued.

Revesby	Croiland, Richard	16 Dec. 1318	CCR(1318-1323),117
	Keu, Hugh	16 Dec. 1318	" (1313-1318),117
	Redynges, Richard	24 Oct. 1319	" (1318-1323),212
	Waltham, John	15 Nov. 1309	" (1307-1313),235
Rewley	Armner, Thomas	17 Dec. 1396	" (1396-1399), 75
	Sandele, William	17 Dec. 1396	" (1396-1399), 75
Robertsbridge	Taverner, Henry	28 Dec. 1317	" (1313-1318),116
	Vigrous, Richard	27 Dec. 1347	" (1346-1349),420
	Waryn, John	21 Aug. 1388	" (1385-1389),606
Roche	Larder, Thomas	22 June 1304	" (1302-1307),214
	Randes, Richard	8 Nov. 1376	" (1374-1477),453
	Taret, Nicholas	16 Dec. 1318	" (1313-1318),116
Rufford	Horton, John	28 Nov. 1307	" (1307-1313), 46
	Kellec, Adam	3 Jan. 1305	" (1302-1307),313
Salley	Stanes, William	7 Oct. 1316	" (1313-1318),435
Sawtry	Derby, Robert	16 Dec. 1318	" (1318-1323),116
Stanley	Bret, Maud	13 Nov. 1355	" (1354-1360),240
	Bret, William	7 Sept 1361	" (1360-1364),283
	Brugges, Adam	1 May 1349	" (1349-1354), 76
	Fostebury, Will.	1 Apr. 1359	" (1354-1360),619
	Foston, William	9 Mar. 1323	" (1318-1323),699
	Marvardyn, Rich.	15 Apr. 1393	" (1392-1396),230
	??????, Maurice	26 May 1335	" (1333-1337),487
	Payable, Nicholas	1 Nov. 1342	" (1341-1343),701
	Upton, William	28 Dec. 1330	" (1330-1333),177
	Wafrer, Peter	15 Apr. 1338	" (1337-1339),406
	Wodiet, Adam	19 Nov. 1310	" (1307-1313),337
Stoneleigh	Bulfote, Thomas	11 May 1336	" (1333-1337),674
	Dalemaigne, Agnes	23 May 1362	" (1360-1364),404
	Dalemaigne, Henry	23 May 1362	" (1360-1364),404
	Whitbroc, Richard	10 Jan. 1333	" (1330-1333),621
Stratford	Cheyt, Lambert	28 Jan. 1314	" (1313-1318), 89
	Crokysneyth, Ric.	27 Mar. 1301	" (1296-1302),484
	Fair, Thomas	18 Mar. 1318	" (1313-1318),602
	Potager, Gilbert	28 July 1317	" (1313-1318),557
	Saucier, Peter	27 Mar. 1324	" (1323-1327),170

Appendix "C" - continued.

	Stedeman, Henry	18 Apr. 1317	CCR	(1313-1318),462
	Sutton, John	30 Mar. 1317	"	(1313-1318),460
Thame	Champaigne, Will.	6 Jan. 1357	"	(1354-1360),432
	Hunt, Peter	28 Mar. 1330	"	(1330-1333),129
	Lenechild, Henry	25 Jan. 1379	"	(1377-1381),242
	Leveden, Thomas	30 Jan. 1376	"	(1374-1377),325
	Maniers, John	3 Dec. 1361	"	(1360-1364),289
	March, William	20 Apr. 1343	"	(1343-1346),111
	Napeire, Geoffrey	2 June 1315	"	(1313-1318),233
	Peytevyn, John	29 Feb. 1380	"	(1377-1381),361
	Popart, William	25 Jan. 1379	"	(1377-1381),242
	Thorp, Geoffrey	18 Apr. 1317	"	(1313-1318),462
	Wymbyssh, John	3 Jan. 1393	"	(1392-1396),107
Tintern	Bromfeld, William	18 Aug. 1319	"	(1318-1323),208
	Isponnie, John	2 Aug. 1314	"	(1313-1318),192
Vale Royal	Roose, John	17 Feb. 1378	"	(1377-1381),166
Vaudey	Dalkham, William	2 Mar. 1310	"	(1307-1313),248
Wardon	Bedeford, Warin	12 Sept 1334	"	(1333-1337),333
	Beyford, William	7 Mar. 1367	"	(1364-1368),373
	Broun, John	21 May 1317	"	(1313-1318),469
	Louwyke, John	6 Feb. 1392	"	(1392-1396),109
	Porter, Roger	11 Apr. 1314	"	(1313-1318), 97
Waverley	Alvidale, John	18 Nov. 1329	"	(1327-1330),587
	Charrer, Richard	2 May 1334	"	(1333-1337),312
	Denham, Walter	18 Oct. 1339	"	(1337-1339),273
	Ditton, Henry	28 Feb. 1328	"	(1327-1330),371
	Doune, John	15 July 1371	"	(1369-1374),309
	Mantel, Walter	6 Dec. 1315	"	(1313-1318),317
	None, John	31 Dec. 1385	"	(1385-1389),110
	Wyke, William	31 Dec. 1385	"	(1385-1389),110
Whalley	Frere, Richard	25 Apr. 1339	"	(1339-1341),107
	Baddeby, John	20 Sept 1344	"	(1343-1346),466
	Blakesmyth, Will.	6 Apr. 1372	"	(1369-1374),128
	Bonnebury, Will.	9 Apr. 1334	"	(1333-1337),310
	Deyville, William	17 Aug. 1337	"	(1337-1339),239
	Gardyner, John	4 Nov. 1373	"	(1369-1374),594

Appendix "C" - continued.

Woburn	Hopper, Henry	18 Feb. 1350	CCR (1349-1354), 207
	Petrouche, William	27 Feb. 1352	" (1349-1354), 467
	Seg, Juliana	3 July 1396	" (1396-1399), 53
	Seg, Thomas	3 July 1396	" (1396-1399), 53
	Thoern, Richard	5 May 1357	" (1354-1360), 400
	Wigmore, Joan	28 Feb. 1380	" (1377-1381), 370

Appendix "D"

WRITS OF CUSTODY FOR DISTRESSED COMMUNITIES

Year	Community	Date	Authority
1275	Bordesley	5 Feb.	CPR(1272-1281), 78
	Combermere	3 Sept	" " " 103
	Kirkstall	11 Jan.	" " " 76
1276	Kirkstall	16,20 Nov.	" " " 170-1
	Rievaulx	13 July	" " " 152
1277	Flaxley	30 Apr.	" " " 200
	Kirkstall	12 May	" " " 208
1282	Quarr	29 Oct.	" (1281-1292), 39
1283	Combermere	5 Oct.	" " " 78
1288	Rivvaulx	27 Apr.	" " " 294
1291	Garendon	31 May	" " " 430
1292	Vaudey	7 May	" (1292-1301),491
1293-4	Stoneleigh	3 June; 28 July	" " " 18,82
1297	Conway	21 July	" " " 504
	Merevale	14 Aug.	" " " 303
1302	Biddlesden	12 Apr.	" (1301-1307), 28
1303	Merevale	7 Apr.	" " " 130
1304	Bruern	1 June	" " " 229
1315:1321	Combermere	3 Aug: 1 Mar	" (1313-1317),256 " (1321-1324), 8
1323	Stanley	16 Nov.	" " " 350
1326	Waverley	18 July	" (1324-1327),304
	Merevale	14 Mar.	" " " 252
1328	Combermere	19 May	" (1327-1330),302
	Netley	19 May	" " " 302
	Stanley	1 Nov.	" " " 335

Appendix "D" - continued.

1329	Bindon	21 May;28 July	CPR(1327-1330),390-1
1330	Bindon	8 Dec.	" (1330-1334), 19
	Waverley	8 Dec.	" " " 26
1331	Bindon	23 Jan.	" " " 63
1332	Combe	18 Mar.	" " " 261
1333-4	Bindon	3 Feb;1 Oct.	" " " 406
			" (1334-1338), 32
1335	Bindon	10 Apr.	" " " 142
	Flaxley	14 Oct.	" " " 175
1336	Robertsbridge	20 Nov.	" " " 374
1341	Stoneleigh	28 Dec.	" (1340-1343),351
1343	Robertsbridge	6 Apr.	" (1343-1345), 79
1344	Louth Park	15 July	" " " 334
1345	Kirkstall	5-11 June	" " " 237
1348	Bindon	13 Apr.	" (1348-1350), 52
	Netley	28 Dec.	" " " 445
1351	Bruern	24 Mar.	" (1350-1354), 62
1352	Bindon	28 Apr;8 Nov.	" " " 249-353
1354	Bruern	8 May	" (1354-1358), 39
	Meaux	20 May	" " " 50
1357	Bindon	1 June	" " " 565
1360	Garendon	6 May	" (1358-1361),358
1364	Bruern	5 Feb.	" (1361-1364),461
	Stanley	26 Oct.	" (1364-1367), 29
1365	Bruern	9 Feb.	" " " 86
	Stanley	30 June	" " " 133
1366	Bruern	14 May	" " " 244

Appendix "E"

I. THE STATUTE OF MORTMAIN, 1279.

Rex Justitiariis suis de Banco, salutem. Cum dudum provisum fuisset quod viri religiosi feoda aliquorum non ingrederentur sine licentia et voluntate capilalium dominorum de qyibus feoda illa immediate tenentur; et viri religioii postmodum nihilominus tam feoda sua propria quam aliorum hactenus ingressi sint, ea sibi appropriando et emendo et aliquando ex dono aliorum recipiendo, per quod servitia quae ex hujusmodi feodis debentur et quae ad defensionem regni ab initio provisa fuerunt indebite subtrahuntur, et domini capitales escaetas suas inde amittunt; nos super hoc pro utilitate regni congruum remedium provideri volentes, de consilio praelatorum, comitum et aliorum fidelium regni nostri de consilio nostro existentium, providimus, statuimus et ordinavimus, quod nullus religiosus aut alius quicunque terras aut tenementa aliqua emere vel vendere, aut sub colore donationis aut termini vel alterius tituli cujuscunque, ab aliquo recipere, aut alio quovis modo, arte vel ingenio, sibi appropriare praesumat, sub tenementa hujusmoddem, per quod ad manum mortuam terrae et tenementa hujusmodi deveniant quoquo modo. Providimus etiam quod si quis religiosus aut alius, contra praesens statutum, aliquo modo, arte vel ingenio, venire praesumpserit, liceat nobis, et aliis immediatis capitalibus dominis feodi taliter alienati, illud infra annum a tempore alienationis hujusmodi ingredi et tenere in feodo et haereditate. Et si capitalis dominus immediatus negligens fuerit, et feodum hujusmodi ingredi noluerit infra annum, tunc liceat proximo capitali domino mediato feodi illius, infra dimidium annum sequentem, feodum illud ingredi et tenere, sicut praedictum est; et sic quilibet dominus mediatus faciat si propinquior dominus in ingrediendo hujusmodi feodum negligens fuerit, ut praedictum est. Et si omnes hujusmodi capitales domini hujusmodi feodi, qui plenae fuerint aetatis et infra quatuor maria et extra prisonam, per unum annum negligentes vel remissi fuerint in hac parte, nos statim post annum completum a tempore quo hujusmodi emptiones, donationes aut alias appropriationes fieri contigerit, terras et tenementa hujusmodi capiemus in manum nostram, et alios inde feoffabimus per certa servitia nobis inde ad defensionem regni nostri facienda; salvis capitalibus dominis feodorum illorum, wardis, escaetis et aliis ad ipsos pertinentibus, ac servitiis inde debitis et consuetis. Et ideo vobis mandamus quod statutum praedictum coram vobis legi et de cetero firmiter teneri et observari faciatis.

Appendix "E" - continued.

II. WRIT OF *AD QUOD DAMNUM*

Rex dilecto clerico suo Johanni de Louthre escaetoris suo ultra Trent salutem. Mandamus vobis quod per sacramentum proborum et legalium hominium de ballia vestra per quos rei veritas melius sciri poterit diligenter inquiratis et sit ad quod damnum vel preiudicium nostrum aut aliorum si concedamus Galfrido le Scrop quod ipse manerium de Cho cum pertinentiis et medietatem ville de Bilyngton cum pertinentiis dare possit et assignare dilectis nobis in Cristo Abbati et conventui de Whalleye. Habend. et tenend. eisdem Abbati et conventui et successoribus suis imperpetuum. Necnon et si sit ad dampnum vel preiudicium nostrum et quod dampnum et preiudicium aliorum, et quorum, et qualiter, et quo modo, et de quo, et de quibus predicte manerium et medietas teneantur et per quod seruicium et qualiter et quo modo et quantum predicta manerium et medietas valeant per annum in omnibus exitibus, iuxta verum valorem eorundem. Et qui sunt medii inter nos et praefatum Galfridum de manerio et medietate predictis. Et que terre et tenementa eidem Galfrido ultra donationem et assignationem predictas remaneant, et ubi, et de quo, vel de quibus teneantur, et per quod seruicoum et qualiter et quo modo et quantum valent per annum in omnibus exitibus. Et si terre et tenementa eidem Galfr. remanentia ultra donationem et assignationem predictas sufficient ad consuetudines et seruivia tam de predictis manerio et medietate sic datis, quam de aliis terris sibi retentis debita facienda visibus franci plegii, auxiliis, tallagiis, vigiliis, finibus redemptionibus, amerciamentis, contributionibus, et aliis oneribus emergentibus, sustinendis. Et quod idem Galf. in assisis, iuratis, et aliis recognitionibus quibuscunque poni possit prout ante donationem et assignationem predictas poni consuevit. Ita quod patria per donationem et assignationem predictas in ipsius Galfr. defaltum magis solito non oneretur seu gravetur. Et inquisitionem inde distincte et aperte factam nobis sub sigillo vestro et sigillis eorum per quos facta fuit sine dilatione mittatis et hoc breve.[1]

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[1] *Coucher Book of Whalley*, No. 62

Appendix "E" - continued.

III. THE RETURN TO INQUEST

Inquisitio capta apud Cliderhou coram Johanne de Louthre escaetore domini Regis ultra Trent quarto die Maii anno regni regis Edwardi tertii post conquestum sexto per sacramentum Ricardi de Bury, Johannis de Legh, Ade de Walschagh, Philippi de Clayton, Ade de Wynkedlegh, Henrici de Clayton, Henrici de Ruyssheton, Johannis de Clayton, Willelmi de Blakeburne, Thome de Sodehull, Willelmi de Hakkyng, et Willelmi de Liuesay, iuratorum, qui dicunt super sacramentum suum quod non est ad dampnum nec preiudicium domini Regis nec aliorum si dominus rex concedat Galfrido le Scrop quod ipse manerium de Cho **cum** pertinentiis et medietatem ville de Bilyngton cum pertinentiis dare possit et assignare Abbati et conuenti de Whalleye. Habend. et tenend. eisdem Abbati et conuentui et successoribus suis imperpetuum. Item dicunt quod predicta manerium et medietas tenentur de domina Isabella regina Anglie matre domini Regis Edw. ut de castro de Cliderhou per seruicium reddend. dicte domine Isabelle per annum pro omnibus seruiciis tres denarios. Quod quidem castrum predicta domina Isabella habet ex concessione domini Regis predicti ad terminum vite sue. Dicunt etiam quod predicta manerium et medietas valent per annum in omnibus exitibus iuxta verum valorem eorundem xx libras. Item dicunt quod predictus Galfridus tenet predicta manerium et medietatem de predicta domina Isabella per seruicium predictum, et predicta domina Isabella tenet predicta manerium et medietatem de predicto domino Rege ad terminium vite sue ut de castro de Cliderhou predicto. Item dicunt quod remanet predicto Galfrido ultra donationem et assignationem predictas baronia de Whaltan in comitatu Northumb. que quidem baronia tenetur de domino rege in capite per seruicium iii feodorum militis, et predicta baronia valet per annum in omnibus exitibus iuxta verum valorem xl libras. Item dicunt quod predicta terre et tenementa eidem Galfrido remanentia ultra donationem et assignationem predictas sufficiunt ad consuetudines et seruicia tam de predictis manerio et medietate sic datis quam de aliis terris et tenementis sibi retentis debita facienda et ad omnia alia onera que sustinuit et sustinere consuevit, ut in sectis visibus franci plegii, auxiliis, tallagiis, vigiliis, finibus, redemptionibus, amerciementis, contributionibus, et aliis quibuscunque oneribus emergentibus sustinend. Item dicunt quod predictus Galgridus in assisis, iuratis, et aliis recognitionibu quibuscunque poni possit prout ante donationem et assignationem predictas poni consuevit...

Appendix "E" - continued.

IV. LICENCE FOR ALIENATION

Edwardus, Dei gratia, res Anglie dominus Hibernie et dux Aquitanie, omnibus ad quod presentes litere peruenerint salutem. Sciatis quod de gratia nostra speciali concessimus et licentiam dedimus pro nobis et heredibus nostris quantum in nobis est dilecto et fideli nostro Galfrido de Scrop quod ipse manerium de Cho cum pertinentiis et medietatem ville de Bilyngton cum pertinentiis que tenentur de Isabella regina Anglie matre nostra ut de castro de Cliderhou, quod eadem mater nostra tenet ad terminum vite sue ex concessione nostra, sicut per inquisitionem inde per dilectum clericum nostrum Johannem de Louthre escaetorem nostrum ultra Trentam de mandato nostro captam et in cancellaria nostra retornatam est compertum, dare possit et assignare dilectis nobis in Cristo Abbati et conuentui de Whalleye. Habend. et tenend. eisdem Abbati et conuentui et successoribus suis imperpetuum. Et eisdem Abbati et conuentui quod ipsi manerium et medietatem predicta cum pertinentiis a prefato Galfrido recipere possint et tenere sibi et successoribus suis imperpetuum, sicut predictum est, tenore presentium similiter licentiam dedimus specialem, statuto de terris et tenementis ad manum mortuam non ponendis edito non obstante. Nolentes quod predictus Galfridus vel heredes sui aut prefati Abbas et conuentus seu successores sui ratione premissorum per nos vel heredes nostros seu ministros nostros quoscunque inde occasionentur in aliquo seu grauenter. Saluis tamen capitalibus dominis feodi illius seruiciis inde debitis et sonsuetis. In cuius rei testimonium has literas nostras fieri fecimus patentes.

Appendix "F"

TABLE OF LICENCES ISSUED FOR ALIENATIONS IN MORTMAIN 1280-1399

Year	To Cistercians	Fines Recorded	All Others	Fines Recorded	Total Licences
1280	1	1	15	-	16
1281	-	-	17	-	17
1282	2	-	9	-	11
1283	4	-	11	-	15
1284	3	-	21	-	24
1285	5	-	43	-	48
1286	8	-	24	-	32
1287	-	-	--	-	--
1288	-	-	--	-	--
1289	1	-	7	-	8
1290	1	-	54	-	55
1291	8	-	36	-	44
1292	4	-	57	-	61
1293	5	1	31	2	36
1294	2	-	12	-	14
1295	1	-	12	-	13
1296	1	-	6	-	7
1297	1	-	12	-	13
1298	-	-	10	-	10
1299	5	5	40	18	45
1300	6	5	41	34	47
1301	1	1	46	34	47
1302	3	2	21	14	24
1303	7	5	59	47	66
1304	1	1	55	48	66
1305	2	1	78	61	80
1306	5	1	64	2	69
1306	2	1	32	8	34
	---	---	----	----	---
Total	79	23	813	278	892
Edward II					
1307	3	2	12	5	15
1308	1	1	24	12	25
1309	9	3	75	52	84
1310	9	9	57	22	66
1311	6	5	73	55	79
1312	7	5	62	37	69
1313	8	5	69	43	77

Appendix "F" - continued.

1314	4	1	79	42	83
1315	3	3	83	51	86
1316	6	1	88	32	94
1317	13	2	102	30	115
1318	4	-	122	41	126
1319	10	2	70	12	80
1320	9	2	82	17	91
1321	3	-	102	22	105
1322	-	-	44	16	44
1323	6	4	67	27	70
1324	2	1	63	39	65
1325	6	1	68	33	74
1326	3	-	67	19	70
1327	-	-	--	--	--
Total	112	47	1406	607	1518

Edward III

1327	5	1	96	28	101
1328	8	3	100	39	108
1329	12	3	112	26	124
1330	6	-	104	32	110
1331	9	3	127	42	136
1332	13	3	118	34	131
1333	3	-	66	25	69
1334	6	1	96	31	102
1335	3	-	82	20	85
1336	2	-	125	32	127
1337	7	-	111	27	118
1338	3	1	120	24	123
1339	1	1	51	15	52
1340	8	2	90	25	98
1341	3	1	72	21	75
1342	3	-	78	20	81
1343	6	1	71	18	77
1344	8	-	98	32	106
1345	7	2	88	32	95
1346	8	2	81	27	89
1347	8	1	82	26	90
1348	3	2	81	29	84
1349	7	3	101	31	108
1350	8	2	100	49	108
1351	3	2	103	27	106
1352	1	-	75	34	76

Appendix "F" - continued.

1353	8	1	61	34	76
1354	5	3	70	20	75
1355	1	-	54	16	55
1356	5	-	63	30	68
1357	1	-	33	4	34
1358	3	-	65	13	68
1359	5	1	56	21	57
1360	4	-	42	29	46
1361	7	1	63	28	77
1362	6	2	77	39	83
1363	5	-	79	27	84
1364	5	1	60	26	65
1365	6	-	54	18	60
1366	7	1	55	23	62
1367	4	-	29	9	33
1368	2	1	30	11	32
1369	2	1	49	22	51
1370	1	1	43	22	44
1371	4	-	42	17	46
1372	3	2	18	5	21
1373	2	1	43	20	45
1374	1	-	33	16	34
1375	2	1	30	14	32
1376	9	1	42	18	51
1377	3	1	21	8	24
Total	252	50	3640	1227	3888

Richard II

1377	3	2	23	17	26
1378	1	-	43	20	44
1379	1	-	37	24	38
1379	1	-	59	35	66
1381	2	-	41	22	43
1382	3	1	28	18	31
1383	4	2	50	31	54
1384	1	1	40	25	41
1385	4	3	45	28	49
1386	4	3	35	16	39
1387	2	-	34	22	36
1388	-	-	24	12	24
1389	2	1	33	22	35
1390	2	1	46	21	48

Appendix "F" - continued.

1391	2	1	40	21	42
1392	26	22	352	285	379
1393	4	2	44	30	48
1394	1	1	49	22	50
1395	7	6	43	29	50
1396	3	2	49	32	52
1397	4	1	54	39	58
1398	4	3	53	26	57
1399	1	-	26	13	27
Total	88	56	1249	817	1337

Grand total of licences 1280-1399
=7635

Grand total of fines =2804

Appendix "G"

CISTERCIAN ALIENATIONS OF ADVOWSONS AND APRROPRIATIONS 1279 - 1399

Date	Alienee	Church	Adv.	Approp.	Authority
1283	Whalley	Whalley[1]	*	-	CPR(1281-1292) 109 CPL(1198-1304)499, 501
1286	Buildwas	Leghton	*	*	CPR(1281-1292) 226
1291	Grace Dieu	Skenefrith	*	-	" " " 451
1292	Bindon	Chalvedon Boys	*	-	" " " 475
1300	Hayles	Caumpeden	*	-	" (1292-1301) 498
1301	Jervaulx	East Witton	*	*	" (1313-1317) 3 CPL(1305-1342) 23
1302	Tintern	Acle	*	-	CPR(1301-1307) 30
''''	" " "	Taghmolyn[2]	*	-	" " " 45
''''	Vale Royal	Wem	*	*	CPL(1198-1304) 506
1303	Bordesley	Wickham	*	*	CPR(1301-1307) 102
''''	Kirkstead	Covenham	*	-	" " " 149
''''	Meaux	Naffreton[3]	*	-	" " " 100
1305	Meaux	Skipse, Esyington, Kayngham	*	*	" " " 332 CPL(1362-1404) 217
1306	Bordesley	Wickwane	*	*	" " " 439 Worcester SV 74,79

Appendix "G" - continued.

1306	Buckland	Walkhampton	owned	*	CPR(1301-1307) Reg.Stapleton	442 89
''''	Stratford	Estham	*	*	CPR(1301-1307)	482
1308	Woburn	Birchmor	owned	*	" " "	133
1312	Medmenham	Dungate	*	*	" " "	496
1313	Salley	Gairgrave	*	*	" " " CPL(1305-1342)	11 203
1314	Boxley	Estchurch	*	*	CPR(1313-1317)	97
1316	Byland	Ryllyngton	owned	*	" " " CPL(1342-1362)	560 114
1317	Thame	Chalgrave	*	*	CPR(1313-1317) CPL(1362-1404)	672 430
1319	Dore	Avenbury	*	*	" (1305-1342) CPR(1317-1321)	321 347
1324	Hayles	Langeberwe Radeburn	*	*	CPR(1321-1324) Reg. Cobham	432 126-27
1327	Dore	Albrington	*	*	CPR(1327-1330) CPL(1305-1342)	20 262,280
1329	Beaulieu	Ringwood	*	*	CPR(1327-1330)	363
''''	Dore	Duntesburn	owned	*	" " "	460
1330	Newminster	Stayngton	*	*	" " " " (1330-1334)	491 46
''''	Dore	Wyktoft	*	*	" " " CPL(1305-1342)	67 167
1331	Rufford	Rodderham	owned	moiety	" " " CPR(1330-1334)	69 174

Appendix "G" - continued.

1332	Robertsbridge	Salhirst, Odymer, Mundefeld	-	*	CPR (1334-1338)	371
1332-5	Holm Cultram	Wiggeton	*	*	*Monasticon*, V,	599
1335	Combermere	Ercalwe	owned	*	CPR (1334-1338)	77
1340	Kirkstead	Woodhall	owned	*	" (1338-1340)	428
''''	Pipewell	Wyckhambrok	*	*	" " " CPL (1305-1342)	527 175
1343	Merevale	Overton[4]	*	*	" (1342-1362) CPR (1343-1345)	152 152
1344	Pipewell	Henxtworth	owned	*	" " "	198
1345	Roche	Haytfeld	✓*	*	" (1345-1350)	16
1347	Kirkstall	Braycewell	owned	*	" " "	431
''''	Hulton	Merwood	*	*	" (1348-1350)	48
1349	Sibton	Westleton	owned	*	" (1345-1348) CPL (1305-1342)	422 304
''''	Byland	Bubwyth	moiety	*	" (1362-1404) CPR (1348-1350)	32 367
1351	Dore	Ildesdale	*	*	" (1350-1354)	188
1353	Revesby	Thatilthorp[5]	*	*	" " "	479
''''	Rewley	Cornwall[6]	*	*	" " "	533
1354	Buildwas	Conede[7]	*	*	" (1354-1358) CPL (1305-1342)	77 573

Appendix "G" - continued.

1354	Hulton	Audeleye	*	*	CPR (1348-1350) CPL (1305-1342)	413 536
1356	Salley	Kirkby-Oneblowers	*	*	CPR (1348-1350)	349
''''	Pipewell	Geytyngton	*	*	" " "	423
1358	Flaxley	Blechesdon	*	moiety	" (1358-1361)	98
1359	Bruern	Denchesworth	*	*	" " "	236
''''	Vale Royal	Lampadervaur	*	*	" " " CPL (1362-1404)	296 88
1361	Combe	Napton	*	*	CPR (1361-1364)	122
1363	Stanley	Rye	*	–	" " "	327
''''	Stanley	Rourde Wetton Basset	*	*	" " "	328
1365	Hayles	Todynton[8]	*	*	" (1364-1367)	165
1367	St. Mary Graces	Stanenchurch St. Bartholomew	*	*	" " "	393
1376	Tintern	Kynneyth	*	–	" (1374-1377)	298
''''	Wardon	Wardon	owned	*	" " "	379
1377	Strata Florida	Pencarrek	*	*	" (1377-1381)	14
1378	Margam	St. Fagans[9]	*	*	" " "	8
1379	Biddlesden	Eberton	*	–	" " " Worcester SV	379 377

Appendix "G" - continued.

1380	Bordesley	Kynrfare	-	*	CPR (1377-1381)	435
1382	Margam	Avene	*	*	" (1381-1385)	483
1383	Louth Park	Foulestowe	*	-	" " "	343
1392	Bruern	St. Mary Gremesby	*	*	" (1391-1396)	15
1394	Biddlesden	Wedon Pynkeng	*	-	" " "	391
1397	Jervaulx	Ayskarth	*	*	" (1396-1399)	209
''''	Woburn	Whitchurch	owned	*	" " "	189
1398	St. Mary Graces	Graveshende Leybourne	*	*	" " "	389
''''	Croxden	Alveton	owned	*	" " "	446

1. Includes nearby chapels.
2. Gained through an exchange
3. " " " "
4 Includes chapels of Twyerosse and Gobeshull.
5. This is the church of St. Stethyent.
6. Gained through an exchange.
7. " " "
8. This is the chapel of Stanely Pauntlarge
9. Gained through an exchange.

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The Statute Legislation of Edward I and its effect upon the English Cistercians to 1399.

Dissertation directed by Jeremiah F. O'Sullivan, Ph.D.

The splendour of the Cistercian contribution to the religious and social life of medieval England issued, to considerable degree, from their status as exempt monks. Two developments in the thirteenth century intermingled to undermine and destroy their immunity and dull the brilliance of their service. A decline of the vis vitae among the affiliates of the Order engendered a less rigid approach to temporal concerns while a concurrent expansion of royal government resulted in the gradual reduction of all their special prerogatives. It is to the second of these processes that this dissertation addresses itself.

Chapter one treats of the Cistercian resistance to the frequent and sometimes violent attempts of the Crown to extend its taxing powers over the goods of the Order. It establishes the fact that the first breach in Cistercian immunity occurred when the papacy began to share the proceeds from the assessments made in aid of the crusades with the Crown. A regularization of this arrangement ensued under Edward I when a subsidy called a 'courtesy' was demanded whenever the generality of the clergy were tallaged.

The legal justification for the convocation of the White Monks to parliament appears to have rested upon the old principle of Eigenkirche which was being resurrected at this time. Likewise, the long standing custom of service performed for the Crown by individual members of the

Order may have provided additional precedents for such action. Both the Order and the Crown secured advantage therefrom, the former because of its grievances being publicly aired, the latter by reason of the fact that the religious were made aware of the widespread support for royal legislation on monastic matters.

Ostensibly, this legislation was aimed at preserving and protecting patron interests in the religious establishments. Nevertheless, because no distinction was drawn between exempt and non-exempt communities, the king in fact armed himself with a legal right to interfere in the economic and governmental relations of all Cistercian houses. Three of these ordinances had the consent and support of the monks while the fourth was vigourously opposed.

The Statutes of Westminster I and II intended to prevent the abuse of monastic hospitality and to establish legal means for the recovery of property and rights alienated by incompetant and malfeasant superiors. Although evidence of baronial exploitation is skimpy, royal records disclose a heavy and continuous drain upon Cistercian resources by the king and his servants in the form of visits, corrodies and pensions. Already weakened by natural disasters, unqualified governors, ambitious building schemes, many cloisters tottered into bankrupcy, a situation which permitted the king to intervene in their domestic concerns.

A further step in the work of subjection was taken with the formulation of the Mortmain Statute. This law required that all alienations in mortmain be authorized by the Crown. Because Cistercian custom only stipulated tenure in free alms this enactment was particularly restrictive. Nor did the liberality of the king in issuing letters of dispensation qualify in any real way the harsh and unavoidable fact that the major source of endowment now depended upon the whims of the monarch.

The Statute of Carlisle culminates Edward's legislative activities concerning the religious of his realm. By it he banned the export of monies and valuables to foreign motherhouses. The sums usually dispatched abroad were now diverted into the royal coffers. Eventually travel to the General Chapter was prohibited unless royal licence was obtained. Thus, the Cistercians by the beginning of the fourteenth century occupied a position little more privileged than that held by any other religiious body.

VITA

Lawrence Arthur Desmond, son of Timothy and Elizabeth Whelly Desmond, was born 7 December 1929 in Saint John, New Brunswick, Canada. He attended St. Vincent Boy's School in Saint John and St. Thomas Academy, Chatham, New Brunswick, graduating from the latter school in May 1948. He entered St. Thomas College, Chatham, in September 1948 and received the degree of Bachelor of Arts, cum laude, in May 1952.

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